

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5038**

Chapter 549, Laws of 2009

(partial veto)

61st Legislature  
2009 Regular Session

GENDER NEUTRAL LANGUAGE

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 18, 2009  
YEAS 40 NAYS 4

BRAD OWEN

**President of the Senate**

Passed by the House April 13, 2009  
YEAS 77 NAYS 20

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 19, 2009, 10:39 a.m., with  
the exception of Sections 2040, 4012,  
4013, 4020, 4030, 4058, 4081, 4082,  
4083, 4131, 5133, 5137, 5140, 7004, 7057  
which are vetoed.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **SENATE BILL 5038** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

THOMAS HOEMANN

**Secretary**

FILED

May 20, 2009

**Secretary of State  
State of Washington**

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**SENATE BILL 5038**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senators Kohl-Welles, King, Keiser, Franklin, and Pridemore; by request of Statute Law Committee

Read first time 01/12/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1            AN ACT Relating to making technical corrections to gender-based  
2 terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090,  
3 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010,  
4 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204,  
5 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396,  
6 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011,  
7 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260,  
8 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150,  
9 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090,  
10 35.14.030, 35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150,  
11 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060, 35.18.070,  
12 35.18.090, 35.18.110, 35.18.120, 35.18.130, 35.18.150, 35.18.170,  
13 35.18.180, 35.18.190, 35.18.200, 35.18.280, 35.20.105, 35.20.131,  
14 35.20.150, 35.20.170, 35.20.180, 35.20.190, 35.20.220, 35.20.240,  
15 35.21.260, 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610,  
16 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410, 35.23.440,  
17 35.27.030, 35.27.050, 35.27.090, 35.27.120, 35.27.170, 35.27.190,  
18 35.27.230, 35.27.280, 35.27.310, 35.27.330, 35.27.340, 35.32A.020,  
19 35.32A.060, 35.33.011, 35.33.055, 35.33.135, 35.33.170, 35.36.010,  
20 35.36.050, 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190,  
21 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090, 35.45.130,

1	35.45.150,	35.49.010,	35.49.040,	35.49.090,	35.49.100,	35.50.005,
2	35.50.225,	35.53.070,	35.54.100,	35.55.070,	35.56.040,	35.56.080,
3	35.56.140,	35.58.070,	35.58.100,	35.58.130,	35.58.140,	35.58.150,
4	35.58.160,	35.58.210,	35.58.230,	35.58.265,	35.58.270,	35.58.370,
5	35.58.390,	35.58.400,	35.58.460,	35.58.530,	35.61.230,	35.63.020,
6	35.63.030,	35.63.040,	35.63.100,	35.68.020,	35.69.030,	35.70.030,
7	35.70.040,	35.70.060,	35.71.050,	35.77.030,	35.82.050,	35.82.060,
8	35.82.180,	35.84.050,	35.86A.060,	35.88.050,	35.88.060,	35.88.090,
9	35.92.260,	35.94.020,	35.94.030,	35.96.050,	35A.02.055,	35A.08.020,
10	35A.08.040,	35A.08.050,	35A.12.010,	35A.12.030,	35A.12.065,	35A.12.070,
11	35A.12.080,	35A.12.100,	35A.12.110,	35A.12.120,	35A.12.130,	35A.12.150,
12	35A.12.170,	35A.13.010,	35A.13.020,	35A.13.030,	35A.13.033,	35A.13.035,
13	35A.13.040,	35A.13.050,	35A.13.060,	35A.13.070,	35A.13.080,	35A.13.100,
14	35A.13.120,	35A.13.130,	35A.13.140,	35A.14.190,	35A.21.030,	35A.33.010,
15	35A.33.052,	35A.33.135,	35A.33.160,	35A.36.010,	35A.36.050,	35A.36.060,
16	35A.42.010,	35A.42.030,	35A.63.020,	35A.63.110,	36.08.020,	36.08.070,
17	36.08.090,	36.09.020,	36.09.040,	36.13.040,	36.16.040,	36.16.060,
18	36.16.070,	36.16.087,	36.16.120,	36.17.045,	36.17.050,	36.18.030,
19	36.18.050,	36.18.060,	36.18.070,	36.18.080,	36.18.090,	36.18.130,
20	36.18.160,	36.18.180,	36.22.030,	36.22.040,	36.22.050,	36.22.120,
21	36.22.150,	36.23.020,	36.23.040,	36.23.080,	36.24.010,	36.24.020,
22	36.24.040,	36.24.070,	36.24.080,	36.24.090,	36.24.110,	36.24.155,
23	36.24.170,	36.24.180,	36.26.050,	36.26.060,	36.26.070,	36.26.080,
24	36.27.010,	36.27.030,	36.27.040,	36.27.050,	36.27.070,	36.28.010,
25	36.28.020,	36.28.030,	36.28.040,	36.28.050,	36.28.090,	36.28.130,
26	36.28.150,	36.28.160,	36.28.170,	36.28.180,	36.29.025,	36.29.130,
27	36.32.050,	36.32.060,	36.32.100,	36.32.135,	36.32.310,	36.32.330,
28	36.33.070,	36.33.080,	36.33.190,	36.34.070,	36.34.150,	36.34.200,
29	36.35.180,	36.35.190,	36.35.220,	36.35.230,	36.35.240,	36.38.020,
30	36.40.010,	36.40.130,	36.40.210,	36.48.040,	36.48.050,	36.53.030,
31	36.53.040,	36.53.060,	36.53.100,	36.53.120,	36.53.130,	36.54.040,
32	36.54.060,	36.55.050,	36.57.050,	36.57.090,	36.57A.050,	36.57A.120,
33	36.63.255,	36.64.090,	36.67.530,	36.68.060,	36.69.120,	36.69.230,
34	36.69.370,	36.70.020,	36.70.080,	36.70.090,	36.70.110,	36.70.120,
35	36.70.150,	36.70.160,	36.70.170,	36.70.180,	36.70.250,	36.70.260,
36	36.70.400,	36.70.600,	36.70.850,	36.70.880,	36.71.020,	36.71.040,
37	36.71.050,	36.71.070,	36.76.120,	36.77.070,	36.78.090,	36.78.110,
38	36.79.160,	36.79.170,	36.80.015,	36.80.020,	36.80.030,	36.80.050,

1	36.80.060,	36.81.050,	36.81.060,	36.82.100,	36.87.040,	36.88.040,
2	36.88.130,	36.88.150,	36.88.200,	36.88.250,	36.88.270,	36.88.300,
3	36.88.330,	36.88.450,	36.90.030,	36.92.030,	36.93.070,	36.93.110,
4	36.93.160,	36.94.060,	36.94.290,	36.94.340,	36.95.060,	36.95.100,
5	36.95.110,	36.95.150,	36.95.160,	43.01.040,	43.01.050,	43.01.070,
6	43.03.011,	43.03.015,	43.03.020,	43.03.030,	43.03.110,	43.03.120,
7	43.03.170,	43.03.180,	43.03.200,	43.06.020,	43.06.040,	43.06.050,
8	43.06.055,	43.06.070,	43.06.080,	43.06.090,	43.06.110,	43.06.120,
9	43.06.200,	43.06.270,	43.07.010,	43.07.020,	43.07.030,	43.07.040,
10	43.07.050,	43.07.090,	43.07.110,	43.08.010,	43.08.020,	43.08.030,
11	43.08.040,	43.08.050,	43.08.062,	43.08.066,	43.08.068,	43.08.070,
12	43.08.080,	43.08.100,	43.08.120,	43.08.130,	43.08.135,	43.08.150,
13	43.10.010,	43.10.020,	43.10.030,	43.10.060,	43.10.080,	43.10.090,
14	43.10.110,	43.10.115,	43.10.120,	43.10.130,	43.10.160,	43.10.170,
15	43.17.030,	43.17.040,	43.17.050,	43.17.060,	43.17.100,	43.19.180,
16	43.19.1915,	43.19.1937,	43.19.200,	43.19.595,	43.19.600,	43.19.620,
17	43.19.630,	43.19.635,	43.20.030,	43.20A.040,	43.20A.110,	43.20A.310,
18	43.20A.320,	43.20A.415,	43.20A.605,	43.20A.635,	43.20A.660,	43.21A.050,
19	43.21A.067,	43.21A.090,	43.21A.100,	43.21A.140,	43.21A.600,	43.21A.605,
20	43.21A.610,	43.21A.620,	43.21A.630,	43.21B.020,	43.21B.050,	43.21B.060,
21	43.21B.080,	43.21C.010,	43.21C.020,	43.21E.010,	43.21F.405,	43.21G.080,
22	43.22.310,	43.22.400,	43.22.485,	43.23.015,	43.23.090,	43.23.110,
23	43.23.120,	43.23.130,	43.23.160,	43.24.090,	43.24.115,	43.27A.190,
24	43.33.040,	43.37.050,	43.37.120,	43.37.150,	43.37.160,	43.37.170,
25	43.41.060,	43.41.100,	43.41.106,	43.41.360,	43.43.040,	43.43.110,
26	43.43.120,	43.43.130,	43.43.135,	43.43.330,	43.43.350,	43.43.370,
27	43.43.735,	43.43.750,	43.43.815,	43.43.860,	43.46.090,	43.52.290,
28	43.52.374,	43.52.375,	43.52.378,	43.52A.050,	43.56.040,	43.59.010,
29	43.59.030,	43.59.060,	43.59.080,	43.70.210,	43.78.010,	43.78.020,
30	43.78.070,	43.79.074,	43.79.280,	43.79.303,	43.79.313,	43.79.323,
31	43.79.343,	43.79.393,	43.79A.020,	43.80.130,	43.82.140,	43.83B.220,
32	43.84.041,	43.84.120,	43.85.070,	43.85.190,	43.86A.020,	43.88.100,
33	43.89.040,	43.101.040,	43.101.050,	43.101.070,	43.115.040,	43.117.040,
34	43.117.050,	43.117.090,	43.126.025,	43.126.065,	43.130.040,	43.130.050,
35	43.336.020,	44.04.100,	44.04.120,	44.16.010,	44.16.030,	44.16.040,
36	44.16.070,	44.16.080,	44.16.090,	44.16.100,	44.16.120,	44.16.140,
37	44.16.160,	44.16.170,	44.20.060,	44.39.050,	44.39.060,	44.48.050,
38	44.48.060,	44.48.110,	48.02.010,	48.02.020,	48.02.030,	48.02.060,

1 48.02.080, 48.02.090, 48.02.100, 48.02.110, 48.02.130, 48.02.140,  
2 48.02.150, 48.02.170, 48.03.030, 48.04.030, 48.05.110, 48.05.150,  
3 48.05.160, 48.05.210, 48.05.290, 48.05.370, 48.06.050, 48.06.070,  
4 48.06.100, 48.06.110, 48.06.180, 48.07.080, 48.07.150, 48.08.020,  
5 48.08.090, 48.08.100, 48.08.110, 48.08.120, 48.08.130, 48.08.140,  
6 48.08.170, 48.09.130, 48.09.160, 48.09.220, 48.09.230, 48.09.270,  
7 48.10.140, 48.10.170, 48.10.200, 48.10.250, 48.10.260, 48.10.270,  
8 48.10.280, 48.10.300, 48.10.330, 48.10.340, 48.11.080, 48.12.010,  
9 48.12.080, 48.12.140, 48.13.350, 48.14.070, 48.15.100, 48.15.110,  
10 48.15.120, 48.15.170, 48.16.080, 48.16.100, 48.17.430, 48.18.020,  
11 48.18.050, 48.18.070, 48.18.090, 48.18.120, 48.18.130, 48.18.293,  
12 48.18.340, 48.18.375, 48.18.400, 48.18.410, 48.18.420, 48.18.440,  
13 48.18.450, 48.18A.020, 48.19.080, 48.19.090, 48.19.100, 48.19.110,  
14 48.19.120, 48.19.180, 48.19.190, 48.19.220, 48.19.250, 48.19.290,  
15 48.19.310, 48.19.330, 48.19.340, 48.19.350, 48.19.360, 48.19.370,  
16 48.19.410, 48.20.062, 48.20.082, 48.20.172, 48.20.192, 48.20.222,  
17 48.20.242, 48.21.060, 48.21.110, 48.21A.030, 48.21A.060, 48.22.030,  
18 48.23.070, 48.24.120, 48.24.130, 48.24.140, 48.24.170, 48.24.180,  
19 48.24.190, 48.24.200, 48.25.180, 48.25.190, 48.28.020, 48.30.020,  
20 48.30.120, 48.30.130, 48.30.250, 48.31.010, 48.31.050, 48.31.060,  
21 48.31.080, 48.31.090, 48.31.190, 48.31.210, 48.31.220, 48.31.230,  
22 48.31.240, 48.31.270, 48.31.290, 48.31.310, 48.31.340, 48.31.350,  
23 48.31.360, 48.32.080, 48.32.090, 48.32.110, 48.32.150, 48.32.170,  
24 48.34.100, 48.34.120, 48.44.040, 48.44.090, 48.44.145, 48.44.160,  
25 48.44.170, 48.46.040, 48.46.110, 48.46.120, 48.46.200, 48.46.240,  
26 48.56.040, 48.56.050, 48.56.060, 48.56.110, 48.99.020, 48.99.050, and  
27 48.99.060; creating a new section; and repealing RCW 35.18.005 and  
28 35A.01.080.

29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

30 **PART I**

31 **Sec. 1001.** RCW 4.24.040 and Code 1881 s 1226 are each amended to  
32 read as follows:

33 If any person shall for any lawful purpose kindle a fire upon his  
34 or her own land, he or she shall do it at such time and in such manner,  
35 and shall take such care of it to prevent it from spreading and doing

1 damage to other persons' property, as a prudent and careful ((~~man~~))  
2 person would do, and if he or she fails so to do he or she shall be  
3 liable in an action on the case to any person suffering damage thereby  
4 to the full amount of such damage.

5 **Sec. 1002.** RCW 9A.08.010 and 1975 1st ex.s. c 260 s 9A.08.010 are  
6 each amended to read as follows:

7 (1) Kinds of Culpability Defined.

8 (a) INTENT. A person acts with intent or intentionally when he or  
9 she acts with the objective or purpose to accomplish a result which  
10 constitutes a crime.

11 (b) KNOWLEDGE. A person knows or acts knowingly or with knowledge  
12 when:

13 (i) he or she is aware of a fact, facts, or circumstances or result  
14 described by a statute defining an offense; or

15 (ii) he or she has information which would lead a reasonable  
16 ((~~man~~)) person in the same situation to believe that facts exist which  
17 facts are described by a statute defining an offense.

18 (c) RECKLESSNESS. A person is reckless or acts recklessly when he  
19 or she knows of and disregards a substantial risk that a wrongful act  
20 may occur and his or her disregard of such substantial risk is a gross  
21 deviation from conduct that a reasonable ((~~man~~)) person would exercise  
22 in the same situation.

23 (d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts  
24 with criminal negligence when he or she fails to be aware of a  
25 substantial risk that a wrongful act may occur and his or her failure  
26 to be aware of such substantial risk constitutes a gross deviation from  
27 the standard of care that a reasonable ((~~man~~)) person would exercise in  
28 the same situation.

29 (2) Substitutes for Criminal Negligence, Recklessness, and  
30 Knowledge. When a statute provides that criminal negligence suffices  
31 to establish an element of an offense, such element also is established  
32 if a person acts intentionally, knowingly, or recklessly. When  
33 recklessness suffices to establish an element, such element also is  
34 established if a person acts intentionally or knowingly. When acting  
35 knowingly suffices to establish an element, such element also is  
36 established if a person acts intentionally.

1 (3) Culpability as Determinant of Grade of Offense. When the grade  
2 or degree of an offense depends on whether the offense is committed  
3 intentionally, knowingly, recklessly, or with criminal negligence, its  
4 grade or degree shall be the lowest for which the determinative kind of  
5 culpability is established with respect to any material element of the  
6 offense.

7 (4) Requirement of Wilfulness Satisfied by Acting Knowingly. A  
8 requirement that an offense be committed wilfully is satisfied if a  
9 person acts knowingly with respect to the material elements of the  
10 offense, unless a purpose to impose further requirements plainly  
11 appears.

12 **Sec. 1003.** RCW 9A.76.010 and 2001 c 264 s 4 are each amended to  
13 read as follows:

14 The following definitions are applicable in this chapter unless the  
15 context otherwise requires:

16 (1) "Custody" means restraint pursuant to a lawful arrest or an  
17 order of a court, or any period of service on a work crew: PROVIDED,  
18 That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and  
19 74.13.031 and chapter 13.32A RCW shall not be deemed custody for  
20 purposes of this chapter;

21 (2) "Detention facility" means any place used for the confinement  
22 of a person (a) arrested for, charged with or convicted of an offense,  
23 or (b) charged with being or adjudicated to be a juvenile offender as  
24 defined in RCW 13.40.020 as now existing or hereafter amended, or (c)  
25 held for extradition or as a material witness, or (d) otherwise  
26 confined pursuant to an order of a court, except an order under chapter  
27 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough,  
28 or other such facility or program;

29 (3) "Contraband" means any article or thing which a person confined  
30 in a detention facility is prohibited from obtaining or possessing by  
31 statute, rule, regulation, or order of a court;

32 (4) "Uncontrollable circumstances" means an act of nature such as  
33 a flood, earthquake, or fire, or a medical condition that requires  
34 immediate hospitalization or treatment, or an act of (~~man~~) a human  
35 being such as an automobile accident or threats of death, forcible  
36 sexual attack, or substantial bodily injury in the immediate future for

1 which there is no time for a complaint to the authorities and no time  
2 or opportunity to resort to the courts.

3 **Sec. 1004.** RCW 11.28.090 and 1965 c 145 s 11.28.090 are each  
4 amended to read as follows:

5 Letters testamentary to be issued to executors under the provisions  
6 of this chapter shall be signed by the clerk, and issued under the seal  
7 of the court, and may be in the following form:

8 State of Washington, county of . . . . .

9 In the superior court of the county of . . . . .

10 Whereas, the last will of A B, deceased, was, on the . . . . day  
11 of . . . . ., A.D., . . . ., duly exhibited, proven, and recorded in  
12 our said superior court; and whereas, it appears in and by said will  
13 that C D is appointed executor thereon, and, whereas, said C D has duly  
14 qualified, now, therefore, know all ((~~men~~)) persons by these presents,  
15 that we do hereby authorize the said C D to execute said will according  
16 to law.

17 Witness my hand and the seal of said court this . . . . day of  
18 . . . . ., A.D., 19. . .

19 **Sec. 1005.** RCW 11.28.140 and 1965 c 145 s 11.28.140 are each  
20 amended to read as follows:

21 Letters of administration shall be signed by the clerk, and be  
22 under the seal of the court, and may be substantially in the following  
23 form:

24 State of Washington, County of . . . . .

25 Whereas, A.B., late of . . . . . on or about the . . . . day of  
26 . . . . . A.D., . . . . died intestate, leaving at the time of his or  
27 her death, property in this state subject to administration: Now,  
28 therefore, know all ((~~men~~)) persons by these presents, that we do  
29 hereby appoint . . . . . administrator upon said estate, and  
30 whereas said administrator has duly qualified, hereby authorize him or  
31 her to administer the same according to law.

32 Witness my hand and the seal of said court this . . . . day of  
33 . . . . . A.D., 19. . .

34 **Sec. 1006.** RCW 14.12.010 and 1945 c 174 s 1 are each amended to  
35 read as follows:

1 As used in this chapter, unless the context otherwise requires:

2 (1) "Airports" means any area of land or water designed and set  
3 aside for the landing and taking-off of aircraft and utilized or to be  
4 utilized in the interest of the public for such purposes.

5 (2) "Airport hazard" means any structure or tree or use of land  
6 which obstructs the airspace required for the flight of aircraft in  
7 landing or taking-off at an airport or is otherwise hazardous to such  
8 landing or taking-off of aircraft.

9 (3) "Airport hazard area" means any area of land or water upon  
10 which an airport hazard might be established if not prevented as  
11 provided in this chapter.

12 (4) "Political subdivision" means any county, city, town, port  
13 district or other municipal or quasi municipal corporation authorized  
14 by law to acquire, own or operate an airport.

15 (5) "Person" means any individual, firm, copartnership,  
16 corporation, company, association, joint stock association or body  
17 politic, including the state and its political subdivisions, and  
18 includes any trustee, receiver, assignee, or other similar  
19 representative thereof.

20 (6) "Structure" means any object constructed or installed by  
21 (~~man~~) a human being, including, but without limitation, buildings,  
22 towers, smokestacks, and overhead transmission lines.

23 (7) "Tree" means any object of natural growth.

24 **Sec. 1007.** RCW 15.65.020 and 2002 c 313 s 1 are each amended to  
25 read as follows:

26 The following terms are hereby defined:

27 (1) "Director" means the director of agriculture of the state of  
28 Washington or his or her duly appointed representative. The phrase  
29 "director or his or her designee" means the director unless, in the  
30 provisions of any marketing agreement or order, he or she has  
31 designated an administrator, board, or other designee to act in the  
32 matter designated, in which case "director or his or her designee"  
33 means for such order or agreement the administrator, board, or other  
34 person(s) so designated and not the director.

35 (2) "Department" means the department of agriculture of the state  
36 of Washington.

1 (3) "Marketing order" means an order adopted by the director under  
2 this chapter that establishes a commodity board for an agricultural  
3 commodity or agricultural commodities with like or common qualities or  
4 producers.

5 (4) "Marketing agreement" means an agreement entered into and  
6 issued by the director pursuant to this chapter.

7 (5) "Agricultural commodity" means any of the following commodities  
8 or products: Llamas, alpacas, or any other animal or any distinctive  
9 type of agricultural, horticultural, viticultural, floricultural,  
10 vegetable, or animal product, including, but not limited to, products  
11 qualifying as organic food products under chapter 15.86 RCW and private  
12 sector cultured aquatic products as defined in RCW 15.85.020 and other  
13 fish and fish products, either in its natural or processed state,  
14 including beehives containing bees and honey and Christmas trees but  
15 not including timber or timber products. The director is hereby  
16 authorized to determine (on the basis of common usage and practice)  
17 what kinds, types or sub-types should be classed together as an  
18 agricultural commodity for the purposes of this chapter.

19 (6) "Production area" and "marketing area" means any area defined  
20 as such in any marketing order or agreement in accordance with RCW  
21 15.65.350. "Affected area" means the marketing or production area so  
22 defined in such order, agreement or proposal.

23 (7) "Unit" of an agricultural commodity means a unit of volume,  
24 weight, quantity, or other measure in which such commodity is commonly  
25 measured. The director shall designate in each marketing order and  
26 agreement the unit to be used therein.

27 (8) "Affected unit" means in the case of marketing agreements and  
28 orders drawn on the basis of a production area, any unit of the  
29 commodity specified in or covered by such agreement or order which is  
30 produced in such area and sold or marketed or delivered for sale or  
31 marketing; and "affected unit" means, in the case of marketing  
32 agreements and orders drawn on the basis of marketing area, any unit of  
33 the commodity specified in or covered by such agreement or order which  
34 is stored in frozen condition or sold or marketed or delivered for sale  
35 or marketing within such marketing area: PROVIDED, That in the case of  
36 marketing agreements "affected unit" shall include only those units  
37 which are produced by producers or handled by handlers who have  
38 assented to such agreement.

1 (9) "Affected commodity" means that part or portion of any  
2 agricultural commodity which is covered by or forms the subject matter  
3 of any marketing agreement or order or proposal, and includes all  
4 affected units thereof as herein defined and no others.

5 (10) "Producer" means any person engaged in the business of  
6 producing any agricultural commodity for market in commercial  
7 quantities. "Affected producer" means any producer who is subject to  
8 a marketing order or agreement. "To produce" means to act as a  
9 producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or  
10 hereafter amended "producer" shall include bailees who contract to  
11 produce or grow any agricultural product on behalf of a bailor who  
12 retains title to the seed and its resulting agricultural product or the  
13 agricultural product delivered for further production or increase.

14 (11) "Handler" means any person who acts, either as principal,  
15 agent or otherwise, in processing, selling, marketing or distributing  
16 an agricultural commodity or storage of a frozen agricultural commodity  
17 which was not produced by him or her. "Handler" does not mean a common  
18 carrier used to transport an agricultural commodity. "Affected  
19 handler" means any handler of an affected commodity. "To handle" means  
20 to act as a handler.

21 (12) "Producer-handler" means any person who acts both as a  
22 producer and as a handler with respect to any agricultural commodity.  
23 A producer-handler shall be deemed to be a producer with respect to the  
24 agricultural commodities which he or she produces, and a handler with  
25 respect to the agricultural commodities which he or she handles,  
26 including those produced by himself or herself.

27 (13) "Cooperative association" means any incorporated or  
28 unincorporated association of producers which conforms to the  
29 qualifications set out in the act of congress of the United States of  
30 February 18, 1922 as amended, known as the "Capper-Volstead Act" and  
31 which is engaged in making collective sales or in marketing any  
32 agricultural commodity or product thereof or in rendering service for  
33 or advancing the interests of the producers of such commodity on a  
34 nonprofit cooperative basis.

35 (14) "Member of a cooperative association" means any producer who  
36 markets his or her product through such cooperative association and who  
37 is a voting stockholder of or has a vote in the control of or is a

1 party to a marketing agreement with such cooperative association with  
2 respect to such product.

3 (15) "Producer marketing" or "marketed by producers" means any or  
4 all operations performed by any producer or cooperative association of  
5 producers in preparing for market and marketing, and shall include:  
6 (a) selling any agricultural commodity produced by such producer(s) to  
7 any handler; (b) delivering any such commodity or otherwise disposing  
8 of it for commercial purposes to or through any handler.

9 (16) "Commercial quantities" as applied to producers and/or  
10 production means such quantities per year (or other period of time) of  
11 an agricultural commodity as the director finds are not less than the  
12 minimum which a prudent (~~man~~) person engaged in agricultural  
13 production would produce for the purpose of making such quantity of  
14 such commodity a substantial contribution to the economic operation of  
15 the farm on which such commodity is produced. "Commercial quantities"  
16 as applied to handlers and/or handling means such quantities per year  
17 (or other period of time) of an agricultural commodity or product  
18 thereof as the director finds are not less than the minimum which a  
19 prudent (~~man~~) person engaged in such handling would handle for the  
20 purpose of making such quantity a substantial contribution to the  
21 handling operation in which such commodity or product thereof is so  
22 handled. In either case the director may in his or her discretion:  
23 (a) Determine that substantial quantity is any amount above zero; and  
24 (b) apply the quantity so determined on a uniform rule applicable alike  
25 to all persons which he or she finds to be similarly situated.

26 (17) "Commodity board" means any board established pursuant to RCW  
27 15.65.220. "Board" means any such commodity board unless a different  
28 board is expressly specified.

29 (18) "Sell" includes offer for sale, expose for sale, have in  
30 possession for sale, exchange, barter or trade.

31 (19) "Section" means a section of this chapter unless some other  
32 statute is specifically mentioned. The present includes the past and  
33 future tenses, and the past or future the present. The masculine  
34 gender includes the feminine and neuter. The singular number includes  
35 the plural and the plural includes the singular.

36 (20) "Represented in a referendum" means that a written document  
37 evidencing approval or assent or disapproval or dissent is duly and  
38 timely filed with or mailed to the director by or on behalf of an

1 affected producer and/or a volume of production of an affected  
2 commodity in a form which the director finds meets the requirements of  
3 this chapter. "Referendum" means a vote by the affected parties or  
4 affected producers which is conducted by secret ballot.

5 (21) "Person" means any individual, firm, corporation, limited  
6 liability company, trust, association, partnership, society, or any  
7 other organization of individuals, or any unit or agency of local,  
8 state, or federal government.

9 (22) "Affected parties" means any producer, affected producer,  
10 handler, or commodity board member.

11 (23) "Assessment" means the monetary amount established in a  
12 marketing order or agreement that is to be paid by each affected  
13 producer to a commodity board in accordance with the schedule  
14 established in the marketing order or agreement.

15 (24) "List of affected parties" means a list containing the names  
16 and mailing addresses of affected parties. This list shall contain the  
17 names and addresses of all affected parties and, if requested by the  
18 director, the amount, by unit, of the affected commodity produced  
19 during a designated period under this chapter.

20 (25) "List of affected producers" means a list containing the names  
21 and mailing addresses of affected producers. This list shall contain  
22 the names and addresses of all affected producers and, if requested by  
23 the director, the amount, by unit, of the affected commodity produced  
24 during a designated period under this chapter.

25 (26) "List of affected handlers" means a list containing the names  
26 and addresses of affected handlers. This list shall contain the names  
27 and addresses of all affected handlers and, if requested by the  
28 director, the amount, by unit, of the affected commodity handled during  
29 a designated period under this chapter.

30 (27) "Mail" or "send" for purposes of any notice relating to rule  
31 making, referenda, or elections means regular mail or electronic  
32 distribution, as provided in RCW 34.05.260 for rule making.  
33 "Electronic distribution" or "electronically" means distribution by  
34 electronic mail or facsimile mail.

35 (28) "Percent by numbers" means the percent of those persons on the  
36 list of affected parties or affected producers.

37 (29) "Rule-making proceedings" means the rule-making provisions as  
38 outlined in chapter 34.05 RCW.

1 (30) "Vacancy" means that a board member leaves or is removed from  
2 a board position prior to the end of a term, or a nomination process  
3 for the beginning of a term concludes with no candidates for a  
4 position.

5 (31) "Volume of production" means the percent of the average volume  
6 of production of the affected commodity of those on the list of  
7 affected parties or affected producers for a production period. For  
8 the purposes of this chapter, a production period is a minimum three-  
9 year period or as specified in the marketing order or agreement.

10 **Sec. 1008.** RCW 18.64.011 and 1997 c 129 s 1 are each amended to  
11 read as follows:

12 Unless the context clearly requires otherwise, definitions of terms  
13 shall be as indicated when used in this chapter.

14 (1) "Person" means an individual, corporation, government,  
15 governmental subdivision or agency, business trust, estate, trust,  
16 partnership or association, or any other legal entity.

17 (2) "Board" means the Washington state board of pharmacy.

18 (3) "Drugs" means:

19 (a) Articles recognized in the official United States pharmacopoeia  
20 or the official homeopathic pharmacopoeia of the United States;

21 (b) Substances intended for use in the diagnosis, cure, mitigation,  
22 treatment, or prevention of disease in ((~~man~~)) human beings or other  
23 animals;

24 (c) Substances (other than food) intended to affect the structure  
25 or any function of the body of ((~~man~~)) human beings or other animals;  
26 or

27 (d) Substances intended for use as a component of any substances  
28 specified in (a), (b), or (c) of this subsection, but not including  
29 devices or their component parts or accessories.

30 (4) "Device" means instruments, apparatus, and contrivances,  
31 including their components, parts, and accessories, intended (a) for  
32 use in the diagnosis, cure, mitigation, treatment, or prevention of  
33 disease in ((~~man~~)) human beings or other animals, or (b) to affect the  
34 structure or any function of the body of ((~~man~~)) human beings or other  
35 animals.

36 (5) "Nonlegend" or "nonprescription" drugs means any drugs which  
37 may be lawfully sold without a prescription.

1 (6) "Legend drugs" means any drugs which are required by any  
2 applicable federal or state law or regulation to be dispensed on  
3 prescription only or are restricted to use by practitioners only.

4 (7) "Controlled substance" means a drug or substance, or an  
5 immediate precursor of such drug or substance, so designated under or  
6 pursuant to the provisions of chapter 69.50 RCW.

7 (8) "Prescription" means an order for drugs or devices issued by a  
8 practitioner duly authorized by law or rule in the state of Washington  
9 to prescribe drugs or devices in the course of his or her professional  
10 practice for a legitimate medical purpose.

11 (9) "Practitioner" means a physician, dentist, veterinarian, nurse,  
12 or other person duly authorized by law or rule in the state of  
13 Washington to prescribe drugs.

14 (10) "Pharmacist" means a person duly licensed by the Washington  
15 state board of pharmacy to engage in the practice of pharmacy.

16 (11) "Practice of pharmacy" includes the practice of and  
17 responsibility for: Interpreting prescription orders; the compounding,  
18 dispensing, labeling, administering, and distributing of drugs and  
19 devices; the monitoring of drug therapy and use; the initiating or  
20 modifying of drug therapy in accordance with written guidelines or  
21 protocols previously established and approved for his or her practice  
22 by a practitioner authorized to prescribe drugs; the participating in  
23 drug utilization reviews and drug product selection; the proper and  
24 safe storing and distributing of drugs and devices and maintenance of  
25 proper records thereof; the providing of information on legend drugs  
26 which may include, but is not limited to, the advising of therapeutic  
27 values, hazards, and the uses of drugs and devices.

28 (12) "Pharmacy" means every place properly licensed by the board of  
29 pharmacy where the practice of pharmacy is conducted.

30 (13) The words "drug" and "devices" shall not include surgical or  
31 dental instruments or laboratory materials, gas and oxygen, therapy  
32 equipment, X-ray apparatus or therapeutic equipment, their component  
33 parts or accessories, or equipment, instruments, apparatus, or  
34 contrivances used to render such articles effective in medical,  
35 surgical, or dental treatment, or for use or consumption in or for  
36 mechanical, industrial, manufacturing, or scientific applications or  
37 purposes, nor shall the word "drug" include any article or mixture

1 covered by the Washington pesticide control act (chapter 15.58 RCW), as  
2 enacted or hereafter amended, nor medicated feed intended for and used  
3 exclusively as a feed for animals other than (~~man~~) human beings.

4 (14) The word "poison" shall not include any article or mixture  
5 covered by the Washington pesticide control act (chapter 15.58 RCW), as  
6 enacted or hereafter amended.

7 (15) "Deliver" or "delivery" means the actual, constructive, or  
8 attempted transfer from one person to another of a drug or device,  
9 whether or not there is an agency relationship.

10 (16) "Dispense" means the interpretation of a prescription or order  
11 for a drug, biological, or device and, pursuant to that prescription or  
12 order, the proper selection, measuring, compounding, labeling, or  
13 packaging necessary to prepare that prescription or order for delivery.

14 (17) "Distribute" means the delivery of a drug or device other than  
15 by administering or dispensing.

16 (18) "Compounding" shall be the act of combining two or more  
17 ingredients in the preparation of a prescription.

18 (19) "Wholesaler" shall mean a corporation, individual, or other  
19 entity which buys drugs or devices for resale and distribution to  
20 corporations, individuals, or entities other than consumers.

21 (20) "Manufacture" means the production, preparation, propagation,  
22 compounding, or processing of a drug or other substance or device or  
23 the packaging or repackaging of such substance or device, or the  
24 labeling or relabeling of the commercial container of such substance or  
25 device, but does not include the activities of a practitioner who, as  
26 an incident to his or her administration or dispensing such substance  
27 or device in the course of his or her professional practice, prepares,  
28 compounds, packages, or labels such substance or device.

29 (21) "Manufacturer" shall mean a person, corporation, or other  
30 entity engaged in the manufacture of drugs or devices.

31 (22) "Labeling" shall mean the process of preparing and affixing a  
32 label to any drug or device container. The label must include all  
33 information required by current federal and state law and pharmacy  
34 rules.

35 (23) "Administer" means the direct application of a drug or device,  
36 whether by injection, inhalation, ingestion, or any other means, to the  
37 body of a patient or research subject.

1 (24) "Master license system" means the mechanism established by  
2 chapter 19.02 RCW by which master licenses, endorsed for individual  
3 state-issued licenses, are issued and renewed utilizing a master  
4 application and a master license expiration date common to each  
5 renewable license endorsement.

6 (25) "Department" means the department of health.

7 (26) "Secretary" means the secretary of health or the secretary's  
8 designee.

9 (27) "Health care entity" means an organization that provides  
10 health care services in a setting that is not otherwise licensed by the  
11 state. Health care entity includes a free-standing outpatient surgery  
12 center or a free-standing cardiac care center. It does not include an  
13 individual practitioner's office or a multipractitioner clinic.

14 **Sec. 1009.** RCW 19.06.010 and 1961 c 56 s 1 are each amended to  
15 read as follows:

16 Products made by blind persons and sold or distributed in this  
17 state as blind made may bear a label affixed directly to the product  
18 reading "MADE BY THE BLIND" and shall show the distributor's or  
19 manufacturer's name. Any product bearing such label shall have been  
20 made by blind people to the extent of at least seventy-five percent of  
21 the ((man)) labor hours required for its manufacture. No other label,  
22 trade name or sales device tending to create the impression that a  
23 product is made by blind persons shall be used in connection with the  
24 sale or distribution of such product unless the product shall have been  
25 made by blind people to the extent of at least seventy-five percent of  
26 the ((man)) labor hours required for its manufacture.

27 **Sec. 1010.** RCW 19.210.010 and 2001 c 160 s 1 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31 (1)(a) "Unused property market" means any event:

32 (i) At which two or more persons offer personal property for sale  
33 or exchange and at which (A) these persons are charged a fee for sale  
34 or exchange of personal property or (B) prospective buyers are charged  
35 a fee for admission to the area at which personal property is offered  
36 or displayed for sale or exchange; or

1 (ii) Regardless of the number of persons offering or displaying  
2 personal property or the absence of fees, at which personal property is  
3 offered or displayed for sale or exchange if the event is held more  
4 than six times in any twelve-month period.

5 (b) "Unused property market" is interchangeable with and applicable  
6 to swap meet, indoor swap meet, flea market, or other similar terms,  
7 regardless of whether these events are held inside a building or  
8 outside in the open. The primary characteristic is that these  
9 activities involve a series of sales sufficient in number, scope, and  
10 character to constitute a regular course of business.

11 (c) "Unused property market" does not include:

12 (i) An event that is organized for the exclusive benefit of any  
13 community chest, fund, foundation, association, or corporation  
14 organized and operated for religious, educational, or charitable  
15 purposes, provided that no part of any admission fee or parking fee  
16 charged vendors or prospective purchasers or the gross receipts or net  
17 earnings from the sale or exchange of personal property, whether in the  
18 form of a percentage of the receipts or earnings, as salary, or  
19 otherwise, inures to the benefit of any private shareholder or person  
20 participating in the organization or conduct of the event; or

21 (ii) An event at which all of the personal property offered for  
22 sale or displayed is new, and all persons selling or exchanging  
23 personal property, or offering or displaying personal property for sale  
24 or exchange, are manufacturers or authorized representatives of  
25 manufacturers or distributors.

26 (2) "Unused property merchant" means any person, other than a  
27 vendor or merchant with an established retail store in the county, who  
28 transports an inventory of goods to a building, vacant lot, or other  
29 unused property market location and who, at that location, displays the  
30 goods for sale and sells the goods at retail or offers the goods for  
31 sale at retail, except a person who offers five or fewer items of the  
32 same new and unused merchandise for sale or exchange at an unused  
33 property market.

34 (3) "Baby food" or "infant formula" means any food manufactured,  
35 packaged, and labeled specifically for sale for consumption by a child  
36 under the age of two years.

37 (4) "Nonprescription drug," which may also be referred to as an  
38 over-the-counter drug, means any nonnarcotic medicine or drug that may

1 be sold without a prescription and is prepackaged for use by the  
2 consumer, prepared by the manufacturer or producer for use by the  
3 consumer, and required to be properly labeled and unadulterated in  
4 accordance with the requirements of the state food and drug laws and  
5 the federal food, drug, and cosmetic act. "Nonprescription drug" does  
6 not include herbal products, dietary supplements, botanical extracts,  
7 or vitamins.

8 (5) "Medical device" means any instrument, apparatus, implement,  
9 machine, contrivance, implant, in vitro reagent, tool, or other similar  
10 or related article, including any component part or accessory, which is  
11 required under federal law to bear the label "caution: federal law  
12 requires dispensing by or on the order of a physician"; or which is  
13 defined by federal law as a medical device and is intended for use in  
14 the diagnosis of disease or other conditions or in the cure,  
15 mitigation, treatment, or prevention of disease in ((~~man~~)) human beings  
16 or animals or is intended to affect the structure or any function of  
17 the body of ((~~man~~)) human beings or animals, which does not achieve any  
18 of its principal intended purposes through chemical action within or on  
19 the body of ((~~man~~)) human beings or animals and which is not dependent  
20 upon being metabolized for achievement of any of its principal intended  
21 purposes.

22 **Sec. 1011.** RCW 38.04.020 and 1989 c 19 s 2 are each amended to  
23 read as follows:

24 Whenever used in this title, the word "officer" shall be understood  
25 to designate commissioned and warrant officers, and the words  
26 (~~("enlisted men" - or)~~) "enlisted persons" shall be understood to  
27 designate members of the organized militia of Washington other than  
28 commissioned or warrant officers. The convictions and punishments  
29 mentioned unless otherwise specifically designated, shall be understood  
30 to be respectively convictions and punishments by military courts.

31 **Sec. 1012.** RCW 38.16.030 and 1991 c 43 s 3 are each amended to  
32 read as follows:

33 The inactive national guard of this state shall respectively be  
34 organized by the governor in regulations in conformance with the laws,  
35 rules and regulations of the United States. It shall consist of such  
36 organizations, officers and enlisted ((~~men~~)) persons as the governor

1 shall prescribe. No commissioned officer shall be transferred or  
2 furloughed to the inactive national guard without the officer's written  
3 consent, except as otherwise expressly provided by law. Any officer of  
4 the inactive national guard may be restored to the active list by order  
5 of the governor, subject to the same examination as in the case of an  
6 original appointment to his or her rank, and in such event his or her  
7 service in the inactive national guard shall not be counted in  
8 computing total length of service for relative seniority.

9       **Sec. 1013.** RCW 49.24.140 and 1941 c 194 s 7 are each amended to  
10 read as follows:

11       (1) Each bulkhead in tunnels of twelve feet or more in diameter or  
12 equivalent area, shall have at least two locks in perfect working  
13 condition, one of which shall be used as (~~(a man)~~) an air lock. An  
14 additional lock for use in case of emergency shall be held in reserve.

15       (2) The (~~man~~) air lock shall be large enough so that those using  
16 it are not compelled to be in a cramped position, and shall not be less  
17 than five feet in height. Emergency locks shall be large enough to  
18 hold an entire heading shift.

19       (3) All locks used for decompression shall be lighted by  
20 electricity and shall contain a pressure gauge, a time piece, a glass  
21 "bull's eye" in each door or in each end, and shall also have  
22 facilities for heating.

23       (4) Valves shall be so arranged that the locks can be operated both  
24 from within and from without.

25       **Sec. 1014.** RCW 49.24.150 and 1941 c 194 s 8 are each amended to  
26 read as follows:

27       When locking explosives and detonators into the air chamber, they  
28 shall be kept at opposite ends of the lock. While explosives and  
29 detonators are being taken through, no (~~men~~) persons other than the  
30 lock tender and the carriers shall be permitted in the lock.

31       **Sec. 1015.** RCW 49.24.220 and 1941 c 194 s 15 are each amended to  
32 read as follows:

33       (1) No greater quantity of explosives than that which is required  
34 for immediate use shall be taken into the working chamber.

35       (2) Explosives shall be conveyed in a suitable covered wooden box.

1 (3) Detonators shall be conveyed in a separate covered wooden box.  
2 (4) Explosives and detonators shall be taken separately into the  
3 caissons.  
4 (5) After blasting is completed, all explosives and detonators  
5 shall be returned at once to the magazine.  
6 (6) No naked light shall be used in the vicinity of open chests or  
7 magazines containing explosives, nor near where a charge is being  
8 primed.  
9 (7) No tools or other articles shall be carried with the explosives  
10 or with the detonators.  
11 (8) All power lines and electric light wires shall be disconnected  
12 at a point outside the blasting switch before the loading of holes. No  
13 current by grounding of power or bonded rails shall be allowed beyond  
14 blasting switch after explosives are taken in preparatory to blasting,  
15 and under no circumstances shall grounded current be used for exploding  
16 blasts.  
17 (9) Before drilling is commenced on any shift, all remaining holes  
18 shall be examined with a wooden stick for unexploded charges or  
19 cartridges, and if any are found, same shall be refired before work  
20 proceeds.  
21 (10) No person shall be allowed to deepen holes that have  
22 previously contained explosives.  
23 (11) All wires in broken rock shall be carefully traced and search  
24 made for unexploded cartridges.  
25 (12) Whenever blasting is being done in a tunnel, at points liable  
26 to break through to where other ((~~men~~)) persons are at work, the  
27 ((~~foreman or~~)) person in charge shall, before any holes are loaded,  
28 give warning of danger to all persons that may be working where the  
29 blasts may break through, and he or she shall not allow any holes to be  
30 charged until warning is acknowledged and ((~~men~~)) persons are removed.  
31 (13) Blasters when testing circuit through charged holes shall use  
32 sufficient leading wires to be at a safe distance and shall use only  
33 approved types of galvanometers. No tests of circuits in charged holes  
34 shall be made until ((~~men~~)) persons are removed to safe distance.  
35 (14) No blasts shall be fired with fuse, except electrically  
36 ignited fuse, in vertical or steep shafts.  
37 (15) In shaft sinking where the electric current is used for

1 firing, a separate switch not controlling any electric lights must be  
2 used for blasting and proper safeguard similar to those in tunnels must  
3 be followed in order to insure against premature firing.

4 **Sec. 1016.** RCW 62A.7-204 and 1981 c 13 s 1 are each amended to  
5 read as follows:

6 (1) A ((~~warehouseman~~)) warehouse worker is liable for damages for  
7 loss of or injury to the goods caused by his or her failure to exercise  
8 such care in regard to them as a reasonably careful ((~~man~~)) person  
9 would exercise under like circumstances but unless otherwise agreed he  
10 or she is not liable for damages which could not have been avoided by  
11 the exercise of such care.

12 (2) Damages may be limited by a term in the warehouse receipt or  
13 storage agreement limiting the amount of liability in case of loss or  
14 damage, and setting forth a specific liability per article or item, or  
15 value per unit of weight, beyond which the ((~~warehouseman~~)) warehouse  
16 worker shall not be liable; provided, however, that such liability may  
17 on written request of the bailor at the time of signing such storage  
18 agreement or within a reasonable time after receipt of the warehouse  
19 receipt be increased on part or all of the goods thereunder, in which  
20 event increased rates may be charged based on such increased valuation,  
21 but that no such increase shall be permitted contrary to a lawful  
22 limitation of liability contained in the ((~~warehouseman's~~)) warehouse  
23 worker's tariff, if any. No such limitation is effective with respect  
24 to the ((~~warehouseman's~~)) warehouse worker's liability for conversion  
25 to his or her own use.

26 (3) Reasonable provisions as to the time and manner of presenting  
27 claims and instituting actions based on the bailment may be included in  
28 the warehouse receipt or tariff.

29 (4) This section does not impair or repeal the duties of care or  
30 liabilities or penalties for breach thereof as provided in chapters  
31 22.09 and 22.32 RCW.

32 **Sec. 1017.** RCW 62A.7-309 and 1965 ex.s. c 157 s 7-309 are each  
33 amended to read as follows:

34 Save as otherwise provided in RCW 81.29.010 and 81.29.020  
35 (1) A carrier who issues a bill of lading whether negotiable or

1 non-negotiable must exercise the degree of care in relation to the  
2 goods which a reasonably careful ((~~man~~)) person would exercise under  
3 like circumstances.

4 (2) Damages may be limited by a provision that the carrier's  
5 liability shall not exceed a value stated in the document if the  
6 carrier's rates are dependent upon value and the consignor by the  
7 carrier's tariff is afforded an opportunity to declare a higher value  
8 or a value as lawfully provided in the tariff, or where no tariff is  
9 filed he or she is otherwise advised of such opportunity; but no such  
10 limitation is effective with respect to the carrier's liability for  
11 conversion to its own use.

12 (3) Reasonable provisions as to the time and manner of presenting  
13 claims and instituting actions based on the shipment may be included in  
14 a bill of lading or tariff.

15 **Sec. 1018.** RCW 69.04.009 and 1945 c 257 s 10 are each amended to  
16 read as follows:

17 The term "drug" means (1) articles recognized in the official  
18 United States pharmacopoeia, official homeopathic pharmacopoeia of the  
19 United States, or official national formulary, or any supplement to any  
20 of them; and (2) articles intended for use in the diagnosis, cure,  
21 mitigation, treatment, or prevention of disease in ((~~man~~)) human beings  
22 or other animals; and (3) articles (other than food) intended to affect  
23 the structure or any function of the body of ((~~man~~)) human beings or  
24 other animals; and (4) articles intended for use as a component of any  
25 article specified in clause (1), (2), or (3); but does not include  
26 devices or their components, parts, or accessories.

27 **Sec. 1019.** RCW 69.04.010 and 1945 c 257 s 11 are each amended to  
28 read as follows:

29 The term "device" (except when used in RCW 69.04.016 and in RCW  
30 69.04.040(10), 69.04.270, 69.04.690, and in RCW 69.04.470 as used in  
31 the sentence "(as compared with other words, statements, designs, or  
32 devices, in the labeling)") means instruments, apparatus, and  
33 contrivances, including their components, parts and accessories,  
34 intended (1) for use in the diagnosis, cure, mitigation, treatment, or  
35 prevention of disease in ((~~man~~)) human beings or other animals; or (2)

1 to affect the structure or any function of the body of ((~~man~~)) human  
2 beings or other animals.

3 **Sec. 1020.** RCW 69.04.024 and 1963 c 198 s 11 are each amended to  
4 read as follows:

5 (1) The term "food additive" means any substance the intended use  
6 of which results or may reasonably be expected to result, directly or  
7 indirectly, in its becoming a component or otherwise affecting the  
8 characteristics of any food (including any substance intended for use  
9 in producing, manufacturing, packing, processing, preparing, treating,  
10 packaging, transporting, or holding food; and including any source of  
11 radiation intended for any such use), if such substance generally is  
12 recognized, among experts qualified by scientific training and  
13 experience to evaluate its safety, as having been adequately shown  
14 through scientific procedures (or, in the case of a substance used in  
15 food prior to January 1, 1958; through either scientific procedures or  
16 experience based on common use in food) to be unsafe under the  
17 conditions of its intended use; except that such term does not include;  
18 (a) a pesticide chemical in or on a raw agricultural commodity; or (b)  
19 a pesticide chemical to the extent that it is intended for use or is  
20 used in the production, storage, or transportation of any raw  
21 agricultural commodity; or (c) a color additive.

22 (2) The term "safe" as used in the food additive definition has  
23 reference to the health of ((~~man~~)) human beings or animals.

24 **Sec. 1021.** RCW 69.04.394 and 1975 1st ex.s. c 7 s 27 are each  
25 amended to read as follows:

26 (1) A food additive shall, with respect to any particular use or  
27 intended use of such additives, be deemed unsafe for the purpose of the  
28 application of clause (2)(c) of RCW 69.04.210, unless:

29 (a) It and its use or intended use conform to the terms of an  
30 exemption granted, pursuant to a regulation under subsection (2) hereof  
31 providing for the exemption from the requirements of this section for  
32 any food additive, and any food bearing or containing such additive,  
33 intended solely for investigational use by qualified experts when in  
34 the director's opinion such exemption is consistent with the public  
35 health; or

1 (b) There is in effect, and it and its use or intended use are in  
2 conformity with a regulation issued or effective under subsection (2)  
3 hereof prescribing the conditions under which such additive may be  
4 safely used.

5 While such a regulation relating to a food additive is in effect,  
6 a food shall not, by reason of bearing or containing such an additive  
7 in accordance with the regulation, be considered adulterated within the  
8 meaning of clause (1) of RCW 69.04.210.

9 (2) The regulations promulgated under section 409 of the Federal  
10 Food, Drug and Cosmetic Act, as of July 1, 1975, prescribing the  
11 conditions under which such food additive may be safely used, are  
12 hereby adopted as the regulations applicable to this chapter:  
13 PROVIDED, That the director is hereby authorized to adopt by regulation  
14 any new or future amendments to the federal regulations. The director  
15 is also authorized to issue regulations in the absence of federal  
16 regulations and to prescribe the conditions under which a food additive  
17 may be safely used and exemptions where such food additive is to be  
18 used solely for investigational purposes; either upon his or her own  
19 motion or upon the petition of any interested party requesting that  
20 such a regulation be established. It shall be incumbent upon such  
21 petitioner to establish, by data submitted to the director, that a  
22 necessity exists for such regulation and that the effect of such a  
23 regulation will not be detrimental to the public health. If the data  
24 furnished by the petitioner is not sufficient to allow the director to  
25 determine whether such a regulation should be promulgated, the director  
26 may require additional data to be submitted and failure to comply with  
27 this request shall be sufficient grounds to deny the request of the  
28 petitioner for the issuance of such a regulation.

29 (3) In adopting any new or amended regulations pursuant to this  
30 section, the director shall give appropriate consideration, among other  
31 relevant factors, to the following: (a) The purpose of this chapter  
32 being to promote uniformity of state legislation with the federal act;  
33 (b) the probable consumption of the additive and of any substance  
34 formed in or on food because of the use of the additive; (c) the  
35 cumulative effect of such additive in the diet of (~~man~~) human beings  
36 or animals, taking into account any chemically or pharmacologically  
37 related substance or substances in such diet; and (d) safety factors

1 which in the opinion of experts qualified by scientific training and  
2 experience to evaluate the safety of food additives are generally  
3 recognized as appropriate for the use of animal experimentation data.

4 **Sec. 1022.** RCW 69.04.396 and 1975 1st ex.s. c 7 s 28 are each  
5 amended to read as follows:

6 (1) A color additive shall, with respect to any particular use (for  
7 which it is being used or intended to be used or is represented as  
8 suitable) in or on food, be deemed unsafe for the purpose of the  
9 application of RCW 69.04.231, unless:

10 (a) There is in effect, and such color additive and such use are in  
11 conformity with, a regulation issued under this section listing such  
12 additive for such use, including any provision of such regulation  
13 prescribing the conditions under which such additive may be safely  
14 used;

15 (b) Such additive and such use thereof conform to the terms of an  
16 exemption for experimental use which is in effect pursuant to  
17 regulation under this section.

18 While there are in effect regulations under this section relating  
19 to a color additive or an exemption with respect to such additive a  
20 food shall not, by reason of bearing or containing such additive in all  
21 respects in accordance with such regulations or such exemption, be  
22 considered adulterated within the meaning of clause (1) of RCW  
23 69.04.210.

24 (2) The regulations promulgated under section 706 of the Federal  
25 Food, Drug and Cosmetic Act, as of July 1, 1975, prescribing the use or  
26 limited use of such color additive, are hereby adopted as the  
27 regulations applicable to this chapter: PROVIDED, That the director is  
28 hereby authorized to adopt by regulation any new or future amendments  
29 to the federal regulations. The director is also authorized to issue  
30 regulations in the absence of federal regulations and to prescribe  
31 therein the conditions under which a color additive may be safely used  
32 including exemptions for experimental purposes. Such a regulation may  
33 be issued either upon the director's own motion or upon the petition of  
34 any interested party requesting that such a regulation be established.  
35 It shall be incumbent upon such petitioner to establish, by data  
36 submitted to the director, that a necessity exists for such regulation  
37 and that the effect of such a regulation will not be detrimental to the

1 public health. If the data furnished by the petitioner is not  
2 sufficient to allow the director to determine whether such a regulation  
3 should be promulgated, the director may require additional data to be  
4 submitted and failure to comply with this request shall be sufficient  
5 grounds to deny the request of the petitioner for the issuance of such  
6 a regulation.

7 (3) In adopting any new or amended regulations pursuant to this  
8 section, the director shall give appropriate consideration, among other  
9 relevant factors, to the following: (a) The purpose of this chapter  
10 being to promote uniformity of state legislation with the federal act;  
11 (b) the probable consumption of, or other relevant exposure from, the  
12 additive and of any substance formed in or on food because of the use  
13 of the additive; (c) the cumulative effect, if any, of such additive in  
14 the diet of (~~man~~) human beings or animals, taking into account the  
15 same or any chemically or pharmacologically related substance or  
16 substances in such diet; (d) safety factors which, in the opinion of  
17 experts qualified by scientific training and experience to evaluate the  
18 safety of color additives for the use or uses for which the additive is  
19 proposed to be listed, are generally recognized as appropriate for the  
20 use of animal experimentation data; (e) the availability of any needed  
21 practicable methods of analysis for determining the identity and  
22 quantity of (i) the pure dye and all intermediates and other impurities  
23 contained in such color additives, (ii) such additive in or on any  
24 article of food, and (iii) any substance formed in or on such article  
25 because of the use of such additive; and (f) the conformity by the  
26 manufacturer with the established standards in the industry relating to  
27 the proper formation of such color additive so as to result in a  
28 finished product safe for use as a color additive.

29 **Sec. 1023.** RCW 69.04.480 and 1945 c 257 s 66 are each amended to  
30 read as follows:

31 A drug or device shall be deemed to be misbranded if it is for use  
32 by (~~man~~) human beings and contains any quantity of the narcotic or  
33 hypnotic substance alpha eucaine, barbituric acid, beta eucaine,  
34 bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin,  
35 marijuana, morphine, opium, paraldehyde, peyote, or sulphomethane; or  
36 any chemical derivative of such substance, which derivative has been  
37 designated as habit forming by regulations promulgated under section

1 502(d) of the federal act; unless its label bears the name and quantity  
2 or proportion of such substance or derivative and in juxtaposition  
3 therewith the statement "Warning--May be habit forming."

4 **Sec. 1024.** RCW 69.41.010 and 2006 c 8 s 115 are each amended to  
5 read as follows:

6 As used in this chapter, the following terms have the meanings  
7 indicated unless the context clearly requires otherwise:

8 (1) "Administer" means the direct application of a legend drug  
9 whether by injection, inhalation, ingestion, or any other means, to the  
10 body of a patient or research subject by:

11 (a) A practitioner; or

12 (b) The patient or research subject at the direction of the  
13 practitioner.

14 (2) "Community-based care settings" include: Community residential  
15 programs for the developmentally disabled, certified by the department  
16 of social and health services under chapter 71A.12 RCW; adult family  
17 homes licensed under chapter 70.128 RCW; and boarding homes licensed  
18 under chapter 18.20 RCW. Community-based care settings do not include  
19 acute care or skilled nursing facilities.

20 (3) "Deliver" or "delivery" means the actual, constructive, or  
21 attempted transfer from one person to another of a legend drug, whether  
22 or not there is an agency relationship.

23 (4) "Department" means the department of health.

24 (5) "Dispense" means the interpretation of a prescription or order  
25 for a legend drug and, pursuant to that prescription or order, the  
26 proper selection, measuring, compounding, labeling, or packaging  
27 necessary to prepare that prescription or order for delivery.

28 (6) "Dispenser" means a practitioner who dispenses.

29 (7) "Distribute" means to deliver other than by administering or  
30 dispensing a legend drug.

31 (8) "Distributor" means a person who distributes.

32 (9) "Drug" means:

33 (a) Substances recognized as drugs in the official United States  
34 pharmacopoeia, official homeopathic pharmacopoeia of the United States,  
35 or official national formulary, or any supplement to any of them;

36 (b) Substances intended for use in the diagnosis, cure, mitigation,  
37 treatment, or prevention of disease in ((man)) human beings or animals;

1 (c) Substances (other than food, minerals or vitamins) intended to  
2 affect the structure or any function of the body of (~~man~~) human  
3 beings or animals; and

4 (d) Substances intended for use as a component of any article  
5 specified in (a), (b), or (c) of this subsection. It does not include  
6 devices or their components, parts, or accessories.

7 (10) "Electronic communication of prescription information" means  
8 the communication of prescription information by computer, or the  
9 transmission of an exact visual image of a prescription by facsimile,  
10 or other electronic means for original prescription information or  
11 prescription refill information for a legend drug between an authorized  
12 practitioner and a pharmacy or the transfer of prescription information  
13 for a legend drug from one pharmacy to another pharmacy.

14 (11) "In-home care settings" include an individual's place of  
15 temporary and permanent residence, but does not include acute care or  
16 skilled nursing facilities, and does not include community-based care  
17 settings.

18 (12) "Legend drugs" means any drugs which are required by state law  
19 or regulation of the state board of pharmacy to be dispensed on  
20 prescription only or are restricted to use by practitioners only.

21 (13) "Legible prescription" means a prescription or medication  
22 order issued by a practitioner that is capable of being read and  
23 understood by the pharmacist filling the prescription or the nurse or  
24 other practitioner implementing the medication order. A prescription  
25 must be hand printed, typewritten, or electronically generated.

26 (14) "Medication assistance" means assistance rendered by a  
27 nonpractitioner to an individual residing in a community-based care  
28 setting or in-home care setting to facilitate the individual's self-  
29 administration of a legend drug or controlled substance. It includes  
30 reminding or coaching the individual, handing the medication container  
31 to the individual, opening the individual's medication container, using  
32 an enabler, or placing the medication in the individual's hand, and  
33 such other means of medication assistance as defined by rule adopted by  
34 the department. A nonpractitioner may help in the preparation of  
35 legend drugs or controlled substances for self-administration where a  
36 practitioner has determined and communicated orally or by written  
37 direction that such medication preparation assistance is necessary and

1 appropriate. Medication assistance shall not include assistance with  
2 intravenous medications or injectable medications, except prefilled  
3 insulin syringes.

4 (15) "Person" means individual, corporation, government or  
5 governmental subdivision or agency, business trust, estate, trust,  
6 partnership or association, or any other legal entity.

7 (16) "Practitioner" means:

8 (a) A physician under chapter 18.71 RCW, an osteopathic physician  
9 or an osteopathic physician and surgeon under chapter 18.57 RCW, a  
10 dentist under chapter 18.32 RCW, a podiatric physician and surgeon  
11 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a  
12 registered nurse, advanced registered nurse practitioner, or licensed  
13 practical nurse under chapter 18.79 RCW, an optometrist under chapter  
14 18.53 RCW who is certified by the optometry board under RCW 18.53.010,  
15 an osteopathic physician assistant under chapter 18.57A RCW, a  
16 physician assistant under chapter 18.71A RCW, a naturopath licensed  
17 under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or,  
18 when acting under the required supervision of a dentist licensed under  
19 chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

20 (b) A pharmacy, hospital, or other institution licensed,  
21 registered, or otherwise permitted to distribute, dispense, conduct  
22 research with respect to, or to administer a legend drug in the course  
23 of professional practice or research in this state; and

24 (c) A physician licensed to practice medicine and surgery or a  
25 physician licensed to practice osteopathic medicine and surgery in any  
26 state, or province of Canada, which shares a common border with the  
27 state of Washington.

28 (17) "Secretary" means the secretary of health or the secretary's  
29 designee.

30 **Sec. 1025.** RCW 70.87.200 and 2003 c 143 s 20 are each amended to  
31 read as follows:

32 (1) The provisions of this chapter do not apply where:

33 (a) A conveyance is permanently removed from service or made  
34 effectively inoperative; or

35 (b) Lifts, (~~man~~) hoists for persons, or material hoists are  
36 erected temporarily for use during construction work only and are of

1 such a design that they must be operated by a ((~~workman~~)) worker  
2 stationed at the hoisting machine.

3 (2) Except as limited by RCW 70.87.050, municipalities having in  
4 effect an elevator code prior to June 13, 1963 may continue to assume  
5 jurisdiction over conveyance work and may inspect, issue permits,  
6 collect fees, and prescribe minimum requirements for conveyance work  
7 and operation if the requirements are equal to the requirements of this  
8 chapter and to all rules pertaining to conveyances adopted and  
9 administered by the department. Upon the failure of a municipality  
10 having jurisdiction over conveyances to carry out the provisions of  
11 this chapter with regard to a conveyance, the department may assume  
12 jurisdiction over the conveyance. If a municipality elects not to  
13 maintain jurisdiction over certain conveyances located therein, it may  
14 enter into a written agreement with the department transferring  
15 exclusive jurisdiction of the conveyances to the department. The city  
16 may not reassume jurisdiction after it enters into such an agreement  
17 with the department.

18 **Sec. 1026.** RCW 70.104.020 and 1971 ex.s. c 41 s 2 are each amended  
19 to read as follows:

20 For the purposes of this chapter pesticide means, but is not  
21 limited to:

22 (1) Any substance or mixture of substances intended to prevent,  
23 destroy, control, repel, or mitigate any insect, rodent, nematode,  
24 snail, slug, fungus, weed and any other form of plant or animal life or  
25 virus, except virus on or in a living ((~~man~~)) human being or other  
26 animal, which is normally considered to be a pest or which the director  
27 of agriculture may declare to be a pest; or

28 (2) Any substance or mixture of substances intended to be used as  
29 a plant regulator, defoliant or desiccant; or

30 (3) Any spray adjuvant, such as a wetting agent, spreading agent,  
31 deposit builder, adhesive, emulsifying agent, deflocculating agent,  
32 water modifier, or similar agent with or without toxic properties of  
33 its own intended to be used with any other pesticide as an aid to the  
34 application or effect thereof, and sold in a package or container  
35 separate from that of the pesticide with which it is to be used; or

36 (4) Any fungicide, rodenticide, herbicide, insecticide, and  
37 nematocide.

1       **Sec. 1027.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to  
2 read as follows:

3       The words and phrases defined in this section shall have the  
4 meanings indicated when used in this chapter unless the context clearly  
5 requires otherwise.

6       (1) "Department" means the department of ecology.

7       (2) "Director" means the director of the department of ecology or  
8 the director's designee.

9       (3) "Disposal site" means a geographical site in or upon which  
10 hazardous wastes are disposed of in accordance with the provisions of  
11 this chapter.

12       (4) "Dispose or disposal" means the discarding or abandoning of  
13 hazardous wastes or the treatment, decontamination, or recycling of  
14 such wastes once they have been discarded or abandoned.

15       (5) "Dangerous wastes" means any discarded, useless, unwanted, or  
16 abandoned substances, including but not limited to certain pesticides,  
17 or any residues or containers of such substances which are disposed of  
18 in such quantity or concentration as to pose a substantial present or  
19 potential hazard to human health, wildlife, or the environment because  
20 such wastes or constituents or combinations of such wastes:

21       (a) Have short-lived, toxic properties that may cause death,  
22 injury, or illness or have mutagenic, teratogenic, or carcinogenic  
23 properties; or

24       (b) Are corrosive, explosive, flammable, or may generate pressure  
25 through decomposition or other means.

26       (6) "Extremely hazardous waste" means any dangerous waste which

27       (a) will persist in a hazardous form for several years or more at  
28 a disposal site and which in its persistent form

29       (i) presents a significant environmental hazard and may be  
30 concentrated by living organisms through a food chain or may affect the  
31 genetic make-up of ((~~man~~)) human beings or wildlife, and

32       (ii) is highly toxic to ((~~man~~)) human beings or wildlife

33       (b) if disposed of at a disposal site in such quantities as would  
34 present an extreme hazard to ((~~man~~)) human beings or the environment.

35       (7) "Person" means any person, firm, association, county, public or  
36 municipal or private corporation, agency, or other entity whatsoever.

37       (8) "Pesticide" shall have the meaning of the term as defined in  
38 RCW 15.58.030 as now or hereafter amended.

1 (9) "Solid waste advisory committee" means the same advisory  
2 committee as per RCW 70.95.040 through 70.95.070.

3 (10) "Designated zone facility" means any facility that requires an  
4 interim or final status permit under rules adopted under this chapter  
5 and that is not a preempted facility as defined in this section.

6 (11) "Facility" means all contiguous land and structures, other  
7 appurtenances, and improvements on the land used for recycling,  
8 storing, treating, incinerating, or disposing of hazardous waste.

9 (12) "Preempted facility" means any facility that includes as a  
10 significant part of its activities any of the following operations:  
11 (a) Landfill, (b) incineration, (c) land treatment, (d) surface  
12 impoundment to be closed as a landfill, or (e) waste pile to be closed  
13 as a landfill.

14 (13) "Hazardous household substances" means those substances  
15 identified by the department as hazardous household substances in the  
16 guidelines developed under RCW 70.105.220.

17 (14) "Hazardous substances" means any liquid, solid, gas, or  
18 sludge, including any material, substance, product, commodity, or  
19 waste, regardless of quantity, that exhibits any of the characteristics  
20 or criteria of hazardous waste as described in rules adopted under this  
21 chapter.

22 (15) "Hazardous waste" means and includes all dangerous and  
23 extremely hazardous waste, including substances composed of both  
24 radioactive and hazardous components.

25 (16) "Local government" means a city, town, or county.

26 (17) "Moderate-risk waste" means (a) any waste that exhibits any of  
27 the properties of hazardous waste but is exempt from regulation under  
28 this chapter solely because the waste is generated in quantities below  
29 the threshold for regulation, and (b) any household wastes which are  
30 generated from the disposal of substances identified by the department  
31 as hazardous household substances.

32 (18) "Service charge" means an assessment imposed under RCW  
33 70.105.280 against those facilities that store, treat, incinerate, or  
34 dispose of dangerous or extremely hazardous waste that contains both a  
35 nonradioactive hazardous component and a radioactive component.  
36 Service charges shall also apply to facilities undergoing closure under  
37 this chapter in those instances where closure entails the physical  
38 characterization of remaining wastes which contain both a

1 nonradioactive hazardous component and a radioactive component or the  
2 management of such wastes through treatment or removal, except any  
3 commercial low-level radioactive waste facility.

4 **Sec. 1028.** RCW 77.55.011 and 2005 c 146 s 101 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Bed" means the land below the ordinary high water lines of  
9 state waters. This definition does not include irrigation ditches,  
10 canals, storm water runoff devices, or other artificial watercourses  
11 except where they exist in a natural watercourse that has been altered  
12 (~~by man~~) artificially.

13 (2) "Board" means the hydraulic appeals board created in RCW  
14 77.55.301.

15 (3) "Commission" means the state fish and wildlife commission.

16 (4) "Department" means the department of fish and wildlife.

17 (5) "Director" means the director of the department of fish and  
18 wildlife.

19 (6) "Emergency" means an immediate threat to life, the public,  
20 property, or of environmental degradation.

21 (7) "Hydraulic project" means the construction or performance of  
22 work that will use, divert, obstruct, or change the natural flow or bed  
23 of any of the salt or freshwaters of the state.

24 (8) "Imminent danger" means a threat by weather, water flow, or  
25 other natural conditions that is likely to occur within sixty days of  
26 a request for a permit application.

27 (9) "Marina" means a public or private facility providing boat  
28 moorage space, fuel, or commercial services. Commercial services  
29 include but are not limited to overnight or live-aboard boating  
30 accommodations.

31 (10) "Marine terminal" means a public or private commercial wharf  
32 located in the navigable water of the state and used, or intended to be  
33 used, as a port or facility for the storing, handling, transferring, or  
34 transporting of goods to and from vessels.

35 (11) "Ordinary high water line" means the mark on the shores of all  
36 water that will be found by examining the bed and banks and  
37 ascertaining where the presence and action of waters are so common and

1 usual, and so long continued in ordinary years as to mark upon the soil  
2 or vegetation a character distinct from the abutting upland. Provided,  
3 that in any area where the ordinary high water line cannot be found,  
4 the ordinary high water line adjoining saltwater is the line of mean  
5 higher high water and the ordinary high water line adjoining fresh  
6 water is the elevation of the mean annual flood.

7 (12) "Permit" means a hydraulic project approval permit issued  
8 under this chapter.

9 (13) "Sandbars" includes, but is not limited to, sand, gravel,  
10 rock, silt, and sediments.

11 (14) "Small scale prospecting and mining" means the use of only the  
12 following methods: Pans; nonmotorized sluice boxes; concentrators; and  
13 minirocker boxes for the discovery and recovery of minerals.

14 (15) "Spartina," "purple loosestrife," and "aquatic noxious weeds"  
15 have the same meanings as defined in RCW 17.26.020.

16 (16) "Streambank stabilization" means those projects that prevent  
17 or limit erosion, slippage, and mass wasting. These projects include,  
18 but are not limited to, bank resloping, log and debris relocation or  
19 removal, planting of woody vegetation, bank protection using rock or  
20 woody material or placement of jetties or groins, gravel removal, or  
21 erosion control.

22 (17) "Tide gate" means a one-way check valve that prevents the  
23 backflow of tidal water.

24 (18) "Waters of the state" and "state waters" means all salt and  
25 fresh waters waterward of the ordinary high water line and within the  
26 territorial boundary of the state.

27 **Sec. 1029.** RCW 79A.05.600 and 1967 c 120 s 1 are each amended to  
28 read as follows:

29 The beaches bounding the Pacific Ocean from the Straits of Juan de  
30 Fuca to Cape Disappointment at the mouth of the Columbia River  
31 constitute some of the last unspoiled seashore remaining in the United  
32 States. They provide the public with almost unlimited opportunities  
33 for recreational activities, like swimming, surfing and hiking; for  
34 outdoor sports, like hunting, fishing, clamming, and boating; for the  
35 observation of nature as it existed for hundreds of years before the  
36 arrival of (~~white men~~) Europeans; and for relaxation away from the  
37 pressures and tensions of modern life. In past years, these

1 recreational activities have been enjoyed by countless Washington  
2 citizens, as well as by tourists from other states and countries. The  
3 number of people wishing to participate in such recreational activities  
4 grows annually. This increasing public pressure makes it necessary  
5 that the state dedicate the use of the ocean beaches to public  
6 recreation and to provide certain recreational and sanitary facilities.  
7 Nonrecreational use of the beach must be strictly limited. Even  
8 recreational uses must be regulated in order that Washington's  
9 unrivaled seashore may be saved for our children in much the same form  
10 as we know it today.

11 **Sec. 1030.** RCW 81.40.080 and 2003 c 53 s 389 are each amended to  
12 read as follows:

13 (1) It shall be unlawful for any railroad company, corporation,  
14 association or other person owning, controlling or operating any line  
15 of railroad in the state of Washington, to build, construct,  
16 reconstruct, or repair railroad car equipment or motive power in this  
17 state without first erecting and maintaining at every point where five  
18 employees or more are regularly employed on such work, a shed over a  
19 sufficient portion of the tracks used for such work, so as to provide  
20 that all (~~men~~) persons regularly employed in such work shall be  
21 sheltered and protected from rain and other inclement weather:  
22 PROVIDED, That the provisions of this section shall not apply at points  
23 where it is necessary to make light repairs only on equipment or motive  
24 power, nor to equipment loaded with time or perishable freight, nor to  
25 equipment when trains are being held for the movement of equipment, nor  
26 to equipment on tracks where trains arrive or depart or are assembled  
27 or made up for departure. The term "light repairs," as herein used,  
28 shall not include repairs usually made in roundhouse, shop or shed upon  
29 well equipped railroads.

30 (2) Any railroad company or officer or agent thereof, or any other  
31 person, who violates this section by failing or refusing to comply with  
32 its provisions is guilty of a misdemeanor, and each day's failure or  
33 refusal to comply shall be considered a separate offense.

34 **Sec. 1031.** RCW 81.48.050 and 1961 c 14 s 81.48.050 are each  
35 amended to read as follows:

36 All railroads and street railroads, operating in this state shall

1 cause their trains and cars to come to a full stop at a distance not  
2 greater than five hundred feet before crossing the tracks of another  
3 railroad crossing at grade, excepting at crossings where there are  
4 established signal towers, and signal (~~men~~) operators, interlocking  
5 plants or gates.

6 **Sec. 1032.** RCW 81.64.090 and 2003 c 53 s 396 are each amended to  
7 read as follows:

8 (1) Street railway or streetcar companies, or streetcar  
9 corporations, shall employ none but competent (~~men~~) persons to  
10 operate or assist as conductors, (~~motormen~~) motor operators, or  
11 (~~gripmen~~) grip operators upon any street railway, or streetcar line  
12 in this state.

13 (2) A person shall be deemed competent to operate or assist in  
14 operating cars or (dummies) usually used by street railway or streetcar  
15 companies, or corporations, only after first having served at least  
16 three days under personal instruction of a regularly employed  
17 conductor, (~~motorman~~) motor operator, or (~~gripman~~) grip operator on  
18 a car or dummy in actual service on the particular street railway or  
19 streetcar line for which the service of an additional person or  
20 additional persons may be required: PROVIDED, That during a strike on  
21 the streetcar lines the railway companies may employ competent persons  
22 who have not worked three days on the particular streetcar line.

23 (3) Any violation of this section by the president, secretary,  
24 manager, superintendent, assistant superintendent, stockholder, or  
25 other officer or employee of any company or corporation owning or  
26 operating any street railway or streetcar line or any receiver of  
27 street railway or streetcar company, or street railway or streetcar  
28 corporations appointed by any court within this state to operate such  
29 car line is a misdemeanor punishable by a fine in any amount not less  
30 than fifty dollars nor more than two hundred dollars, or imprisonment  
31 in the county jail for a term of thirty days, or both such fine and  
32 imprisonment at the discretion of the court.

33 **Sec. 1033.** RCW 82.75.010 and 2006 c 178 s 2 are each amended to  
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

1 (1) "Applicant" means a person applying for a tax deferral under  
2 this chapter.

3 (2) "Biotechnology" means a technology based on the science of  
4 biology, microbiology, molecular biology, cellular biology,  
5 biochemistry, or biophysics, or any combination of these, and includes,  
6 but is not limited to, recombinant DNA techniques, genetics and genetic  
7 engineering, cell fusion techniques, and new bioprocesses, using living  
8 organisms, or parts of organisms.

9 (3) "Biotechnology product" means any virus, therapeutic serum,  
10 antibody, protein, toxin, antitoxin, vaccine, blood, blood component or  
11 derivative, allergenic product, or analogous product produced through  
12 the application of biotechnology that is used in the prevention,  
13 treatment, or cure of diseases or injuries to humans.

14 (4) "Department" means the department of revenue.

15 (5)(a) "Eligible investment project" means an investment in  
16 qualified buildings or qualified machinery and equipment, including  
17 labor and services rendered in the planning, installation, and  
18 construction of the project.

19 (b) The lessor or owner of a qualified building is not eligible for  
20 a deferral unless:

21 (i) The underlying ownership of the buildings, machinery, and  
22 equipment vests exclusively in the same person; or

23 (ii)(A) The lessor by written contract agrees to pass the economic  
24 benefit of the deferral to the lessee;

25 (B) The lessee that receives the economic benefit of the deferral  
26 agrees in writing with the department to complete the annual survey  
27 required under RCW 82.32.645; and

28 (C) The economic benefit of the deferral passed to the lessee is no  
29 less than the amount of tax deferred by the lessor and is evidenced by  
30 written documentation of any type of payment, credit, or other  
31 financial arrangement between the lessor or owner of the qualified  
32 building and the lessee.

33 (6)(a) "Initiation of construction" means the date that a building  
34 permit is issued under the building code adopted under RCW 19.27.031  
35 for:

36 (i) Construction of the qualified building, if the underlying  
37 ownership of the building vests exclusively with the person receiving  
38 the economic benefit of the deferral;

1 (ii) Construction of the qualified building, if the economic  
2 benefits of the deferral are passed to a lessee as provided in  
3 subsection (5)(b)(ii)(A) of this section; or

4 (iii) Tenant improvements for a qualified building, if the economic  
5 benefits of the deferral are passed to a lessee as provided in  
6 subsection (5)(b)(ii)(A) of this section.

7 (b) "Initiation of construction" does not include soil testing,  
8 site clearing and grading, site preparation, or any other related  
9 activities that are initiated before the issuance of a building permit  
10 for the construction of the foundation of the building.

11 (c) If the investment project is a phased project, "initiation of  
12 construction" shall apply separately to each phase.

13 (7) "Manufacturing" has the meaning provided in RCW 82.04.120.

14 (8) "Medical device" means an instrument, apparatus, implement,  
15 machine, contrivance, implant, in vitro reagent, or other similar or  
16 related article, including any component, part, or accessory, that is  
17 designed or developed and:

18 (a) Recognized in the national formulary, or the United States  
19 pharmacopeia, or any supplement to them;

20 (b) Intended for use in the diagnosis of disease, or in the cure,  
21 mitigation, treatment, or prevention of disease or other conditions in  
22 human beings or other animals; or

23 (c) Intended to affect the structure or any function of the body of  
24 ((~~man~~)) human beings or other animals, and which does not achieve any  
25 of its primary intended purposes through chemical action within or on  
26 the body of ((~~man~~)) human beings or other animals and which is not  
27 dependent upon being metabolized for the achievement of any of its  
28 principal intended purposes.

29 (9) "Person" has the meaning provided in RCW 82.04.030.

30 (10) "Qualified buildings" means construction of new structures,  
31 and expansion or renovation of existing structures for the purpose of  
32 increasing floor space or production capacity used for biotechnology  
33 product manufacturing or medical device manufacturing activities,  
34 including plant offices, commercial laboratories for process  
35 development, quality assurance and quality control, and warehouses or  
36 other facilities for the storage of raw material or finished goods if  
37 the facilities are an essential or an integral part of a factory,  
38 plant, or laboratory used for biotechnology product manufacturing or

1 medical device manufacturing. If a building is used partly for  
2 biotechnology product manufacturing or medical device manufacturing and  
3 partly for other purposes, the applicable tax deferral shall be  
4 determined by apportionment of the costs of construction under rules  
5 adopted by the department.

6 (11) "Qualified machinery and equipment" means all new industrial  
7 and research fixtures, equipment, and support facilities that are an  
8 integral and necessary part of a biotechnology product manufacturing or  
9 medical device manufacturing operation. "Qualified machinery and  
10 equipment" includes: Computers; software; data processing equipment;  
11 laboratory equipment; manufacturing components such as belts, pulleys,  
12 shafts, and moving parts; molds, tools, and dies; operating structures;  
13 and all equipment used to control or operate the machinery.

14 (12) "Recipient" means a person receiving a tax deferral under this  
15 chapter.

16 **Sec. 1034.** RCW 84.36.260 and 1979 ex.s. c 193 s 1 are each amended  
17 to read as follows:

18 All real property interests, including fee simple or any lesser  
19 interest, development rights, easements, covenants and conservation  
20 futures, as that latter term is defined in RCW 84.34.220 as now or  
21 hereafter amended, used exclusively for the conservation of ecological  
22 systems, natural resources, or open space, including park lands, held  
23 by any nonprofit corporation or association the primary purpose of  
24 which is the conducting or facilitating of scientific research or the  
25 conserving of natural resources or open space for the general public,  
26 shall be exempt from ad valorem taxation if either of the following  
27 conditions are met:

28 (1) To the extent feasible considering the nature of the property  
29 interest involved, such property interests shall be used and  
30 effectively dedicated primarily for the purpose of providing scientific  
31 research or educational opportunities for the general public or the  
32 preservation of native plants or animals, or biotic communities, or  
33 works of ancient (~~man~~) human beings or geological or geographical  
34 formations, of distinct scientific and educational interest, and not  
35 for the pecuniary benefit of any person or company, as defined in RCW  
36 82.04.030, and shall be open to the general public for educational and

1 scientific research purposes subject to reasonable restrictions  
2 designed for its protection; or

3 (2) Such property interests shall be subject to an option, accepted  
4 in writing by the state, a city or a county, or department of the  
5 United States government, for the purchase thereof by the state, a city  
6 or a county, or the United States, at a price not exceeding the lesser  
7 of the following amounts: (a) The sum of the original purchase cost to  
8 such nonprofit corporation or association plus interest from the date  
9 of acquisition by such corporation or association at the rate of six  
10 percent per annum compounded annually to the date of the exercise of  
11 the option; or (b) the appraised value of the property at the time of  
12 the granting of the option, as determined by the department of revenue  
13 or when the option is held by the United States, or by an appropriate  
14 agency thereof.

15 **Sec. 1035.** RCW 85.08.310 and 1921 c 157 s 5 are each amended to  
16 read as follows:

17 The said board of supervisors shall, immediately upon their  
18 election and qualification, begin the construction of such system of  
19 improvement and shall proceed with the construction thereof in  
20 accordance with the plans adopted therefor. In the construction of any  
21 system of drainage, construction shall be begun at the outlet or  
22 outlets thereof and at such other points as may be deemed advisable  
23 from time to time. In the construction of any system of improvement  
24 the board of supervisors with the approval of the board of county  
25 commissioners may modify, curtail, enlarge or add to the original plans  
26 wherever the same may be found necessary or advisable in the course of  
27 actual construction. But such changes shall not in the aggregate  
28 increase the estimated cost of the entire system by more than one-  
29 fifth, and all additional or different rights-of-way required shall be  
30 obtained as hereinbefore prescribed. The board of county commissioners  
31 may in its discretion let the construction of said system or any  
32 portion thereof by contract, in the manner provided for letting  
33 contracts for the construction of county roads and bridges. The board  
34 of county commissioners may, upon such terms as may be agreed upon by  
35 the United States acting in pursuance of the National Reclamation Act  
36 approved June 17, 1902 (32 Statutes at Large 388), and the acts  
37 amendatory thereof and supplemental thereto, or in pursuance to any

1 other act of congress appropriate to the purpose, contract for the  
2 construction of the system of improvement or any part thereof, by the  
3 United States, or in cooperation with the United States therein. In  
4 such case, no bond shall be required, and the work shall be done under  
5 the supervision and control of the proper officers of the United  
6 States.

7 Unless the work of construction is let by contract as hereinbefore  
8 provided, or for such part of such work as is not covered by contract,  
9 the board of supervisors shall employ such number of (~~men~~) persons as  
10 shall be necessary to successfully carry on the work of such  
11 construction, and shall give preference in such employment to persons  
12 owning land to be benefited by the improvement.

13 The provisions of this section shall not be construed as denying to  
14 the supervisors, in case the construction work is left in their hands,  
15 the power to enter into an agreement with any contractor to furnish  
16 labor, material, equipment and skilled supervision, the contractor to  
17 be compensated upon the basis of a specific sum, or upon a percentage  
18 of the cost of the work, the services of the contractor to cover the  
19 use of equipment and the value of skilled supervision: PROVIDED,  
20 HOWEVER, That there is retained in the said board by the contract the  
21 right of termination thereof at any time, on reasonable notice, and  
22 fixing in the said contract, or reserving in said board, the right to  
23 fix the rates of wages to be paid to the (~~men~~) persons employed in  
24 said work. The board of supervisors may also let contracts in such  
25 manner and on such notice as they deem advisable for items of  
26 construction not exceeding one thousand dollars in amount of  
27 expenditures.

28 **PART II**

29 **Sec. 2001.** RCW 35.07.090 and 1965 c 7 s 35.07.090 are each amended  
30 to read as follows:

31 Upon disincorporation of a city or town, its powers and privileges  
32 as such, are surrendered to the state and it is absolved from any  
33 further duty to the state or its own inhabitants and all the offices  
34 appertaining thereto shall cease to exist immediately upon the entry of  
35 the result: PROVIDED, That if a receiver is required, the officers  
36 shall continue in the exercise of all their powers until a receiver has

1 qualified as such, and thereupon shall surrender to him or her all  
2 property, money, vouchers, records and books of the city or town  
3 including those in any manner pertaining to its business.

4 **Sec. 2002.** RCW 35.07.120 and 1965 c 7 s 35.07.120 are each amended  
5 to read as follows:

6 The receiver must qualify within ten days after he or she has been  
7 declared elected, by filing with the county auditor a bond equal in  
8 penalty to the audited indebtedness and the established liabilities of  
9 the city or town with sureties approved by the board of county  
10 commissioners, or if the board is not in session, by the judge of the  
11 superior court of the county. The bond shall run to the state and  
12 shall be conditioned for the faithful performance of his or her duties  
13 as receiver and the prompt payment in the order of their priority of  
14 all lawful claims finally established as the funds come into his or her  
15 hands to discharge them. The bond shall be filed with the county  
16 auditor and shall be a public record and shall be for the benefit of  
17 every person who may be injured by the receiver's failure to discharge  
18 his or her duty.

19 **Sec. 2003.** RCW 35.07.130 and 1965 c 7 s 35.07.130 are each amended  
20 to read as follows:

21 If the person elected receiver fails to qualify as such within the  
22 prescribed time, the council shall file in the superior court of the  
23 county a petition setting forth the fact of the election, its result  
24 and the failure of the person elected receiver to qualify within the  
25 prescribed time and praying for the appointment of another person as  
26 receiver. Notice of the filing of the petition and of the time fixed  
27 for hearing thereon must be served upon the person elected receiver at  
28 least three days before the time fixed for the hearing. If he or she  
29 cannot be found within the county, no notice need be served, and the  
30 court may proceed with full jurisdiction to determine the matter upon  
31 the hearing. Unless good cause to the contrary is shown, the court  
32 shall appoint some suitable person to act as receiver, who shall  
33 qualify as required by RCW 35.07.120 within ten days from the date of  
34 his or her appointment.

35 If the council fails to procure the appointment of a receiver, any

1 person qualified to vote in the city or town may file such a petition  
2 and make such application.

3 **Sec. 2004.** RCW 35.07.140 and 1965 c 7 s 35.07.140 are each amended  
4 to read as follows:

5 If no receiver is elected upon the supposition that no indebtedness  
6 existed and it transpires that the municipality does have indebtedness  
7 or an outstanding liability, any interested person may file a petition  
8 in the superior court asking for the appointment of a receiver, and  
9 unless the indebtedness or liability is discharged, the court shall  
10 appoint some suitable person to act as receiver who shall qualify as  
11 required of any other receiver hereunder, within ten days from the date  
12 of his or her appointment.

13 **Sec. 2005.** RCW 35.07.150 and 1965 c 7 s 35.07.150 are each amended  
14 to read as follows:

15 The receiver, upon qualifying, shall take possession of all the  
16 property, money, vouchers, records and books of the former municipality  
17 including those in any manner pertaining to its business and proceed to  
18 wind up its affairs. He or she shall have authority to pay:

19 (1) All outstanding warrants and bonds in the order of their  
20 maturity with due regard to the fund on which they are properly a  
21 charge;

22 (2) All lawful claims against the corporation which have been  
23 audited and allowed by the council;

24 (3) All lawful claims which may be presented to him or her within  
25 the time limited by law for the presentation of such claims, but no  
26 claim shall be allowed or paid which is not presented within six months  
27 from the date of the disincorporation election;

28 (4) All claims that by final adjudication may come to be  
29 established as lawful claims against the corporation.

30 As between warrants, bonds and other claims, their priority shall  
31 be determined with regard to the fund on which they are properly a  
32 charge.

33 **Sec. 2006.** RCW 35.07.170 and 1965 c 7 s 35.07.170 are each amended  
34 to read as follows:

35 The receiver shall be authorized to sell at public auction after

1 such public notice as the sheriff is required to give of like property  
2 sold on execution, all the property of the former municipality except  
3 such as is necessary for his or her use in winding up its affairs, and  
4 excepting also such as has been dedicated to public use.

5 Personal property shall be sold for cash.

6 Real property may be sold for all cash, or for one-half cash and  
7 the remainder in deferred payments, the last payment not to be later  
8 than one year from date of sale. Title shall not pass until all  
9 deferred payments have been fully paid.

10 **Sec. 2007.** RCW 35.07.190 and 1965 c 7 s 35.07.190 are each amended  
11 to read as follows:

12 The receiver shall be entitled to deduct from any funds coming into  
13 his or her hands a commission of six percent on the first thousand  
14 dollars, five percent on the second thousand and four percent on any  
15 amount over two thousand dollars as his or her full compensation  
16 exclusive of necessary traveling expenses and necessary disbursements,  
17 but not exclusive of attorney's fees.

18 **Sec. 2008.** RCW 35.07.200 and 1965 c 7 s 35.07.200 are each amended  
19 to read as follows:

20 The receiver shall proceed to wind up the affairs of the  
21 corporation with diligence and for negligence or misconduct in the  
22 discharge of his or her duties may be removed by the superior court  
23 upon a proper showing made by a taxpayer of the former city or town or  
24 by an unsatisfied creditor thereof.

25 **Sec. 2009.** RCW 35.07.220 and 1965 c 7 s 35.07.220 are each amended  
26 to read as follows:

27 Upon the final payment of all lawful demands against the former  
28 city or town, the receiver shall file a final account, together with  
29 all vouchers, with the clerk of the superior court. Any funds  
30 remaining in his or her hands shall be paid to the county treasurer for  
31 the use of the school district in which the former city or town was  
32 situated; and thereupon the receivership shall be at an end.

33 **Sec. 2010.** RCW 35.13.171 and 1995 c 399 s 35 are each amended to  
34 read as follows:

1           Within thirty days after the filing of a city's or town's  
2 annexation resolution pursuant to RCW 35.13.015 with the board of  
3 county commissioners or within thirty days after filing with the county  
4 commissioners a petition calling for an election on annexation, as  
5 provided in RCW 35.13.020, or within thirty days after approval by the  
6 legislative body of a city or town of a petition of property owners  
7 calling for annexation, as provided in RCW 35.13.130, the mayor of the  
8 city or town concerned that is not subject to the jurisdiction of a  
9 boundary review board under chapter 36.93 RCW, shall convene a review  
10 board composed of the following persons:

11           (1) The mayor of the city or town initiating the annexation by  
12 resolution, or the mayor in the event of a twenty percent annexation  
13 petition pursuant to RCW 35.13.020, or an alternate designated by the  
14 mayor;

15           (2) The ((~~chairman~~)) chair of the board of county commissioners of  
16 the county wherein the property to be annexed is situated, or an  
17 alternate designated by him or her;

18           (3) The director of community, trade, and economic development, or  
19 an alternate designated by the director;

20           Two additional members to be designated, one by the mayor of the  
21 annexing city, which member shall be a resident property owner of the  
22 city, and one by the ((~~chairman~~)) chair of the county legislative  
23 authority, which member shall be a resident of and a property owner or  
24 a resident or a property owner if there be no resident property owner  
25 in the area proposed to be annexed, shall be added to the original  
26 membership and the full board thereafter convened upon call of the  
27 mayor: PROVIDED FURTHER, That three members of the board shall  
28 constitute a quorum.

29           **Sec. 2011.** RCW 35.13A.090 and 1999 c 153 s 32 are each amended to  
30 read as follows:

31           Whenever a city acquires all of the facilities of a district,  
32 pursuant to this chapter, such a city shall offer to employ every full  
33 time employee of the district who is engaged in the operation of such  
34 a district's facilities on the date on which such city acquires the  
35 district facilities. When a city acquires any portion of the  
36 facilities of such a district, such a city shall offer to employ full

1 time employees of the district as of the date of the acquisition of the  
2 facilities of the district who are not longer needed by the district.

3 Whenever a city employs a person who was employed immediately prior  
4 thereto by the district, arrangements shall be made:

5 (1) For the retention of all sick leave standing to the employee's  
6 credit in the plan of such district.

7 (2) For a vacation with pay during the first year of employment  
8 equivalent to that to which he or she would have been entitled if he or  
9 she had remained in the employment of the district.

10 **Sec. 2012.** RCW 35.14.030 and 1967 c 73 s 3 are each amended to  
11 read as follows:

12 Each community council shall be staffed by a deputy to the city  
13 clerk of the city with which the service area is consolidated or  
14 annexed and shall be provided with such other clerical and technical  
15 assistance and a properly equipped office as may be necessary to carry  
16 out its functions.

17 Each community council shall elect a (~~chairman~~) chair and vice  
18 (~~chairman~~) chair from its membership. A majority of the council  
19 shall constitute a quorum. Each action of the community municipal  
20 corporation shall be by resolution approved by vote of the majority of  
21 all the members of the community council. Meetings shall be held at  
22 such times and places as provided in the rules of the community  
23 council. Members of the community council shall receive no  
24 compensation.

25 The necessary expenses of the community council shall be budgeted  
26 and paid by the city.

27 **Sec. 2013.** RCW 35.14.060 and 1967 c 73 s 6 are each amended to  
28 read as follows:

29 The original terms of existence of any community municipal  
30 corporation shall be for at least four years and until the first Monday  
31 in January next following a regular municipal election held in the  
32 city.

33 Any such community municipal corporation may be continued  
34 thereafter for additional periods of four years' duration with the  
35 approval of the voters at an election held and conducted in the manner  
36 provided for in this section.

1 Authorization for a community municipal corporation to continue its  
2 term of existence for each additional period of four years may be  
3 initiated pursuant to a resolution or a petition in the following  
4 manner:

5 (1) A resolution praying for such continuation may be adopted by  
6 the community council and shall be filed not less than seven months  
7 prior to the end of the term of existence of such corporation with the  
8 city council or other legislative body of the city in which the service  
9 area is located.

10 (2) A petition for continuation shall be signed by at least ten  
11 percent of the registered voters residing within the service area and  
12 shall be filed not less than six months prior to the end of the term of  
13 existence of such corporation with the city council or other  
14 legislative body of the city in which the service area is located.

15 At the same election at which a proposition is submitted to the  
16 voters of the service area for the continuation of the community  
17 municipal corporation for an additional period of four years, the  
18 community councilmembers of such municipal corporation shall be  
19 elected. The positions on such council shall be the same in number as  
20 the original or initial council and shall be numbered consecutively and  
21 elected at large. Declarations of candidacy and withdrawals shall be  
22 in the same manner as is provided for members of the city council or  
23 other legislative body of the city.

24 Upon receipt of a petition, the city clerk shall examine the  
25 signatures thereon and certify to the sufficiency thereof. No person  
26 may withdraw his or her name from a petition after it has been filed.

27 Upon receipt of a valid resolution or upon duly certifying a  
28 petition for continuation of a community municipal corporation, the  
29 city clerk with whom the resolution or petition was filed shall cause  
30 a proposition on continuation of the term of existence of the community  
31 municipal corporation to be placed on the ballot at the next city  
32 general election. No person shall be eligible to vote on such  
33 proposition at such election unless he or she is a qualified voter and  
34 resident of the service area.

35 The ballots shall contain the words "For continuation of community  
36 municipal corporation" and "Against continuation of community municipal  
37 corporation" or words equivalent thereto, and shall also contain the  
38 names of the candidates to be voted for to fill the positions on the

1 community council. The names of all candidates to be voted upon shall  
2 be printed on the ballot alphabetically in groups under the numbered  
3 position on the council for which they are candidates.

4 If the results of the election as certified by the county  
5 canvassing board reveal that a majority of the votes cast are for  
6 continuation, the municipal corporation shall continue in existence for  
7 an additional period of four years, and certificates of election shall  
8 be issued to the successful candidates who shall assume office at the  
9 same time as members of the city council or other legislative body of  
10 the city.

11 **Sec. 2014.** RCW 35.17.060 and 1965 c 7 s 35.17.060 are each amended  
12 to read as follows:

13 The mayor shall be president of the commission. He or she shall  
14 preside at its meetings when present and shall oversee all departments  
15 and recommend to the commission, action on all matters requiring  
16 attention in any department.

17 **Sec. 2015.** RCW 35.17.070 and 1965 c 7 s 35.17.070 are each amended  
18 to read as follows:

19 The commissioner of finance and accounting shall be vice president  
20 of the commission. In the absence or inability of the mayor, he or she  
21 shall perform the duties of president.

22 **Sec. 2016.** RCW 35.17.080 and 1965 c 7 s 35.17.080 are each amended  
23 to read as follows:

24 The commission shall appoint by a majority vote a city clerk and  
25 such other officers and employees as the commission may by ordinance  
26 provide. Any officer or employee appointed by the commission may be  
27 discharged at any time by vote of a majority of the members of the  
28 commission. Any commissioner may perform any duties pertaining to his  
29 or her department but without additional compensation therefor.

30 **Sec. 2017.** RCW 35.17.150 and 1965 c 7 s 35.17.150 are each amended  
31 to read as follows:

32 No officer or employee, elected or appointed, shall receive from  
33 any enterprise operating under a public franchise any frank, free  
34 ticket, or free service or receive any service upon terms more

1 favorable than are granted to the public generally: PROVIDED, That the  
2 provisions of this section shall not apply to free transportation  
3 furnished to (~~police~~) police officers and (~~fire~~) firefighters  
4 in uniform nor to free service to city officials provided for in the  
5 franchise itself.

6 Any violation of the provisions of this section shall be a  
7 misdemeanor.

8 **Sec. 2018.** RCW 35.17.280 and 1965 c 7 s 35.17.280 are each amended  
9 to read as follows:

10 Within ten days from the filing of a petition submitting a proposed  
11 ordinance the city clerk shall ascertain and append to the petition his  
12 or her certificate stating whether or not it is signed by a sufficient  
13 number of registered voters, using the registration records and returns  
14 of the preceding municipal election for his or her sources of  
15 information, and the commission shall allow him or her extra help for  
16 that purpose, if necessary. If the signatures are found by the clerk  
17 to be insufficient the petition may be amended in that respect within  
18 ten days from the date of the certificate. Within ten days after  
19 submission of the amended petition the clerk shall make an examination  
20 thereof and append his or her certificate thereto in the same manner as  
21 before. If the second certificate shall also show the number of  
22 signatures to be insufficient, the petition shall be returned to the  
23 person filing it.

24 **Sec. 2019.** RCW 35.18.010 and 1965 c 7 s 35.18.010 are each amended  
25 to read as follows:

26 Under the council-manager plan of city government, the  
27 (~~council~~) councilmembers shall be the only elective officials.  
28 The council shall appoint an officer whose title shall be "city  
29 manager" who shall be the chief executive officer and head of the  
30 administrative branch of city or town government. The city manager  
31 shall be responsible to the council for the proper administration of  
32 all affairs of the city or town.

33 **Sec. 2020.** RCW 35.18.040 and 1965 c 7 s 35.18.040 are each amended  
34 to read as follows:

35 The city manager need not be a resident. He or she shall be chosen

1 by the council solely on the basis of his or her executive and  
2 administrative qualifications with special reference to his or her  
3 actual experience in, or his or her knowledge of, accepted practice in  
4 respect to the duties of his or her office. No person elected to  
5 membership on the council shall be eligible for appointment as city  
6 manager until one year has elapsed following the expiration of the term  
7 for which he or she was elected.

8 **Sec. 2021.** RCW 35.18.050 and 1965 c 7 s 35.18.050 are each amended  
9 to read as follows:

10 Before entering upon the duties of his or her office the city  
11 manager shall take the official oath for the support of the government  
12 and the faithful performance of his or her duties and shall execute and  
13 file with the clerk of the council a bond in favor of the city or town  
14 in such sum as may be fixed by the council.

15 **Sec. 2022.** RCW 35.18.060 and 1987 c 3 s 5 are each amended to read  
16 as follows:

17 The powers and duties of the city manager shall be:

18 (1) To have general supervision over the administrative affairs of  
19 the municipality;

20 (2) To appoint and remove at any time all department heads,  
21 officers, and employees of the city or town, except members of the  
22 council, and subject to the provisions of any applicable law, rule, or  
23 regulation relating to civil service: PROVIDED, That the council may  
24 provide for the appointment by the mayor, subject to confirmation by  
25 the council, of the city planning commission, and other advisory  
26 citizens' committees, commissions and boards advisory to the city  
27 council: PROVIDED FURTHER, That the city manager shall appoint the  
28 municipal judge to a term of four years, subject to confirmation by the  
29 council. The municipal judge may be removed only on conviction of  
30 malfeasance or misconduct in office, or because of physical or mental  
31 disability rendering him or her incapable of performing the duties of  
32 his or her office. The council may cause an audit to be made of any  
33 department or office of the city or town government and may select the  
34 persons to make it, without the advice or consent of the city manager;

35 (3) To attend all meetings of the council at which his or her  
36 attendance may be required by that body;

1 (4) To see that all laws and ordinances are faithfully executed,  
2 subject to the authority which the council may grant the mayor to  
3 maintain law and order in times of emergency;

4 (5) To recommend for adoption by the council such measures as he or  
5 she may deem necessary or expedient;

6 (6) To prepare and submit to the council such reports as may be  
7 required by that body or as he or she may deem it advisable to submit;

8 (7) To keep the council fully advised of the financial condition of  
9 the city or town and its future needs;

10 (8) To prepare and submit to the council a tentative budget for the  
11 fiscal year;

12 (9) To perform such other duties as the council may determine by  
13 ordinance or resolution.

14 **Sec. 2023.** RCW 35.18.070 and 1965 c 7 s 35.18.070 are each amended  
15 to read as follows:

16 Whether the city manager shall devote his or her full time to the  
17 affairs of one city or town shall be determined by the council. A city  
18 manager may serve two or more cities or towns in that capacity at the  
19 same time.

20 **Sec. 2024.** RCW 35.18.090 and 1965 c 7 s 35.18.090 are each amended  
21 to read as follows:

22 The city manager may authorize the head of a department or office  
23 responsible to him or her to appoint and remove subordinates in such  
24 department or office. Any officer or employee who may be appointed by  
25 the city manager, or by the head of a department or office, except one  
26 who holds his or her position subject to civil service, may be removed  
27 by the manager or other such appointing officer at any time. Subject  
28 to the provisions of RCW 35.18.060, the decision of the manager or  
29 other appointing officer, shall be final and there shall be no appeal  
30 therefrom to any other office, body, or court whatsoever.

31 **Sec. 2025.** RCW 35.18.110 and 1965 c 7 s 35.18.110 are each amended  
32 to read as follows:

33 Neither the council, nor any of its committees or members shall  
34 direct or request the appointment of any person to, or his or her  
35 removal from, office by the city manager or any of his or her

1 subordinates. Except for the purpose of inquiry, the council and its  
2 members shall deal with the administrative service solely through the  
3 manager and neither the council nor any committee or member thereof  
4 shall give orders to any subordinate of the city manager, either  
5 publicly or privately: PROVIDED, HOWEVER, That nothing herein shall be  
6 construed to prohibit the council, while in open session, from fully  
7 and freely discussing with the city manager anything pertaining to  
8 appointments and removals of city officers and employees and city  
9 affairs.

10 **Sec. 2026.** RCW 35.18.120 and 1965 c 7 s 35.18.120 are each amended  
11 to read as follows:

12 The city manager shall be appointed for an indefinite term and may  
13 be removed by a majority vote of the council.

14 At least thirty days before the effective date of his or her  
15 removal, the city manager must be furnished with a formal statement in  
16 the form of a resolution passed by a majority vote of the city council  
17 stating the council's intention to remove him or her and the reasons  
18 therefor. Upon passage of the resolution stating the council's  
19 intention to remove the manager, the council by a similar vote may  
20 suspend him or her from duty, but his or her pay shall continue until  
21 his or her removal becomes effective.

22 **Sec. 2027.** RCW 35.18.130 and 1965 c 7 s 35.18.130 are each amended  
23 to read as follows:

24 The city manager may, within thirty days from the date of service  
25 upon him or her of a copy thereof, reply in writing to the resolution  
26 stating the council's intention to remove him or her. In the event no  
27 reply is timely filed, the resolution shall upon the thirty-first day  
28 from the date of such service, constitute the final resolution removing  
29 the manager, and his or her services shall terminate upon that day. If  
30 a reply shall be timely filed with its clerk, the council shall fix a  
31 time for a public hearing upon the question of the manager's removal  
32 and a final resolution removing the manager shall not be adopted until  
33 a public hearing has been had. The action of the council in removing  
34 the manager shall be final.

1           **Sec. 2028.** RCW 35.18.150 and 1965 c 7 s 35.18.150 are each amended  
2 to read as follows:

3           Only a qualified elector of the city or town may be a member of the  
4 council and upon ceasing to be such, or upon being convicted of a crime  
5 involving moral turpitude, or of violating the provisions of RCW  
6 35.18.110, he or she shall immediately forfeit his or her office.

7           **Sec. 2029.** RCW 35.18.170 and 1965 c 7 s 35.18.170 are each amended  
8 to read as follows:

9           The council shall meet at the times and places fixed by ordinance  
10 but must hold at least one regular meeting each month. The clerk shall  
11 call special meetings of the council upon request of the mayor or any  
12 two members. At all meetings of the city council, a majority of the  
13 (~~councilmen~~) councilmembers shall constitute a quorum for the  
14 transaction of business, but a less number may adjourn from time to  
15 time and may compel the attendance of absent members in such manner and  
16 under such penalties as may be prescribed by ordinance. Requests for  
17 special meetings shall state the subject to be considered and no other  
18 subject shall be considered at a special meeting.

19           All meetings of the council and of committees thereof shall be open  
20 to the public and the rules of the council shall provide that citizens  
21 of the city or town shall have a reasonable opportunity to be heard at  
22 any meetings in regard to any matter being considered thereat.

23           **Sec. 2030.** RCW 35.18.180 and 1965 c 7 s 35.18.180 are each amended  
24 to read as follows:

25           No ordinance, resolution, or order, including those granting a  
26 franchise or valuable privilege, shall have any validity or effect  
27 unless passed by the affirmative vote of at least a majority of the  
28 members of the city or town council. Every ordinance or resolution  
29 adopted shall be signed by the mayor or two members, filed with the  
30 clerk within two days and by him or her recorded.

31           **Sec. 2031.** RCW 35.18.190 and 1969 c 101 s 1 are each amended to  
32 read as follows:

33           Biennially at the first meeting of the new council the members  
34 thereof shall choose a (~~chairman~~) chair from among their number who  
35 shall have the title of mayor. In addition to the powers conferred

1 upon him or her as mayor, he or she shall continue to have all the  
2 rights, privileges and immunities of a member of the council. If a  
3 vacancy occurs in the office of mayor, the members of the council at  
4 their next regular meeting shall select a mayor from among their number  
5 for the unexpired term.

6 **Sec. 2032.** RCW 35.18.200 and 1965 c 7 s 35.18.200 are each amended  
7 to read as follows:

8 The mayor shall preside at meetings of the council, and be  
9 recognized as the head of the city or town for all ceremonial purposes  
10 and by the governor for purposes of military law.

11 He or she shall have no regular administrative duties, but in time  
12 of public danger or emergency, if so authorized by the council, shall  
13 take command of the police, maintain law, and enforce order.

14 **Sec. 2033.** RCW 35.18.280 and 1965 c 7 s 35.18.280 are each amended  
15 to read as follows:

16 ((~~Councilmen~~)) councilmembers shall take office at the times  
17 provided by RCW 35.18.270 as now or hereafter amended. The other city  
18 officials and employees who are incumbent at the time the council-  
19 manager plan takes effect shall hold office until their successors have  
20 been selected in accordance with the provisions of this chapter.

21 **Sec. 2034.** RCW 35.20.105 and 1969 ex.s. c 147 s 2 are each amended  
22 to read as follows:

23 There shall be a court administrator of the municipal court  
24 appointed by the judges of the municipal court, subject to confirmation  
25 by a majority of the legislative body of the city, and removable by the  
26 judges of the municipal court subject to like confirmation. Before  
27 entering upon the duties of his or her office the court administrator  
28 shall take and subscribe an oath the same as required for officers of  
29 the city, and shall execute a penal bond in such sum and with such  
30 sureties as the legislative body of the city may direct and subject to  
31 their approval, conditioned for the faithful performance of his or her  
32 duties, and that he or she will pay over to the treasurer of said city  
33 all moneys belonging to the city which shall come into his or her hands  
34 as such court administrator. The court administrator shall be paid  
35 such compensation as the legislative body of the city may deem

1 reasonable. The court administrator shall act under the supervision  
2 and control of the presiding judge of the municipal court and shall  
3 supervise the functions of the chief clerk and director of the traffic  
4 violations bureau or similar agency of the city, and perform such other  
5 duties as may be assigned to him or her by the presiding judge of the  
6 municipal court.

7 **Sec. 2035.** RCW 35.20.131 and 1969 ex.s. c 147 s 3 are each amended  
8 to read as follows:

9 There shall be a director of the traffic violations bureau or such  
10 similar agency of the city as may be created by ordinance of said city.  
11 Said director shall be appointed by the judges of the municipal court  
12 subject to such civil service laws and rules as may be provided in such  
13 city. Said director shall act under the supervision of the court  
14 administrator of the municipal court and shall be responsible for the  
15 supervision of the traffic violations bureau or similar agency of the  
16 city. Upon this 1969 amendatory act becoming effective those employees  
17 connected with the traffic violations bureau under civil service status  
18 shall be continued in such employment and such classification. Before  
19 entering upon the duties of his or her office said director shall take  
20 and subscribe an oath the same as required for officers of the city and  
21 shall execute a penal bond in such sum and with such sureties as the  
22 legislative body of the city may direct and subject to their approval,  
23 conditioned for the faithful performance of his or her duties, and that  
24 he or she will faithfully account to and pay over to the treasurer of  
25 said city all moneys belonging to the city which shall come into his or  
26 her hands as such director. Said director shall be paid such  
27 compensation as the legislative body of the city may deem reasonable.

28 **Sec. 2036.** RCW 35.20.150 and 1975-'76 2nd ex.s. c 120 s 7 are each  
29 amended to read as follows:

30 The municipal judges shall be elected on the first Tuesday after  
31 the first Monday in November, 1958, and on the first Tuesday after the  
32 first Monday of November every fourth year thereafter by the electorate  
33 of the city in which the court is located. The auditor of the county  
34 concerned shall designate by number each position to be filled in the  
35 municipal court, and each candidate at the time of the filing of his or  
36 her declaration of candidacy shall designate by number so assigned the

1 position for which he or she is a candidate, and the name of such  
2 candidate shall appear on the ballot only for such position. The name  
3 of the person who receives the greatest number of votes and of the  
4 person who receives the next greatest number of votes at the primary  
5 for a single nonpartisan position shall appear on the general election  
6 ballot under the designation therefor. Elections for municipal judge  
7 shall be nonpartisan. They shall hold office for a term of four years  
8 and until their successors are elected and qualified. The term of  
9 office shall start on the second Monday in January following such  
10 election. Any vacancy in the municipal court due to a death,  
11 disability or resignation of a municipal court judge shall be filled by  
12 the mayor, to serve out the unexpired term. Such appointment shall be  
13 subject to confirmation by the legislative body of the city.

14 **Sec. 2037.** RCW 35.20.170 and 1965 c 7 s 35.20.170 are each amended  
15 to read as follows:

16 No person shall be eligible to the office of judge of the municipal  
17 court unless he or she shall have been admitted to practice law before  
18 the courts of record of this state and is an elector of the city in  
19 which he or she files for office. No judge of said court during his or  
20 her term of office shall engage either directly or indirectly in the  
21 practice of law.

22 **Sec. 2038.** RCW 35.20.180 and 1965 c 7 s 35.20.180 are each amended  
23 to read as follows:

24 Every judge of such municipal court, before he or she enters upon  
25 the duties of his or her office, shall take and subscribe the following  
26 oath or affirmation: "I do solemnly swear (or affirm) that I will  
27 support the Constitution of the United States and the Constitution of  
28 the State of Washington, and that I will faithfully discharge the  
29 duties of the office of judge of the municipal court of the city of  
30 . . . . . (naming such city) according to the best of my ability; and  
31 I do further certify that I do not advocate, nor am I a member of an  
32 organization that advocates, the overthrow of the government of the  
33 United States by force or violence." The oath shall be filed in the  
34 office of the county auditor. He or she shall also give such bonds to  
35 the state and city for the faithful performance of his or her duties as  
36 may be by law or ordinance directed.

1       **Sec. 2039.** RCW 35.20.190 and 1967 c 241 s 4 are each amended to  
2 read as follows:

3       Whenever the number of departments of the municipal court is  
4 increased, the mayor of such city shall appoint a qualified person as  
5 provided in RCW 35.20.170 to act as municipal judge until the next  
6 general election. He or she shall be paid salaries in accordance with  
7 the provisions of this chapter and provided with the necessary court,  
8 office space and personnel as authorized herein.

9       **\*Sec. 2040.** RCW 35.20.220 and 2004 c 15 s 9 are each amended to  
10 read as follows:

11       (1) *The chief clerk, under the supervision and direction of the*  
12 *court administrator of the municipal court, shall have the custody and*  
13 *care of the books, papers and records of said court; he or she shall be*  
14 *present by himself or herself or deputy during the session of said*  
15 *court, and shall have the power to swear all witnesses and jurors, and*  
16 *administer oaths and affidavits, and take acknowledgments. He or she*  
17 *shall keep the records of said court, and shall issue all process under*  
18 *his or her hand and the seal of said court, and shall do and perform*  
19 *all things and have the same powers pertaining to his or her office as*  
20 *the clerks of the superior courts have in their office. He or she*  
21 *shall receive all fines, penalties and fees of every kind, and keep a*  
22 *full, accurate and detailed account of the same; and shall on each day*  
23 *pay into the city treasury all money received for said city during the*  
24 *day previous, with a detailed account of the same, and taking the*  
25 *treasurer's receipt therefor.*

26       (2) *Except as provided in RCW 10.99.080, the city treasurer shall*  
27 *remit monthly thirty-two percent of the noninterest money received*  
28 *under this section, other than for parking infractions and certain*  
29 *costs to the state treasurer. "Certain costs" as used in this*  
30 *subsection, means those costs awarded to prevailing parties in civil*  
31 *actions under RCW 4.84.010 or 36.18.040, or those costs awarded against*  
32 *convicted defendants in criminal actions under RCW 10.01.160,*  
33 *10.46.190, or 36.18.040, or other similar statutes if such costs are*  
34 *specifically designated as costs by the court and are awarded for the*  
35 *specific reimbursement of costs incurred by the state, county, city, or*  
36 *town in the prosecution of the case, including the fees of defense*

1 *counsel. Money remitted under this subsection to the state treasurer*  
2 *shall be deposited as provided in RCW 43.08.250.*

3 *(3) The balance of the noninterest money received under this*  
4 *section shall be retained by the city and deposited as provided by law.*

5 *(4) Penalties, fines, bail forfeitures, fees, and costs may accrue*  
6 *interest at the rate of twelve percent per annum, upon assignment to a*  
7 *collection agency. Interest may accrue only while the case is in*  
8 *collection status.*

9 *(5) Interest retained by the court on penalties, fines, bail*  
10 *forfeitures, fees, and costs shall be split twenty-five percent to the*  
11 *state treasurer for deposit in the public safety and education account*  
12 *as provided in RCW 43.08.250, twenty-five percent to the state*  
13 *treasurer for deposit in the judicial information system account as*  
14 *provided in RCW 2.68.020, twenty-five percent to the city general fund,*  
15 *and twenty-five percent to the city general fund to fund local courts.*

*\*Sec. 2040 was vetoed. See message at end of chapter.*

16 **Sec. 2041.** RCW 35.20.240 and 1965 c 7 s 35.20.240 are each amended  
17 to read as follows:

18 Upon the effective date of this chapter (June 8, 1955), any justice  
19 of the peace who was the duly appointed and acting police justice of  
20 the city shall become a judge of the municipal court upon his or her  
21 filing his or her oath of office and bond as required by this chapter,  
22 and shall serve as a judge of said municipal court until the regularly  
23 elected judges of the court shall qualify following their election in  
24 1958, or thereafter as provided in RCW 35.20.150. Such judge shall be  
25 paid salaries in accordance with this chapter while so serving. Such  
26 salaries from the city and county shall be in lieu of those now (June  
27 8, 1955) being paid to the justice of the peace acting as police  
28 justice of the city court: PROVIDED, That upon the justices of the  
29 peace qualifying as municipal judges under this chapter, the number of  
30 justices of the peace for such city shall be reduced accordingly as  
31 provided in RCW 35.20.190. Should any justice of the peace acting as  
32 police judge fail to qualify as a judge of the municipal court, the  
33 mayor of such city shall designate one of the other justices of the  
34 peace of that city to act as municipal judge until the next general  
35 election in November, 1958, and the qualifying of the regularly elected  
36 judge. All furniture and equipment belonging to the city and county in

1 which the court is situated, now under the care and custody of the  
2 justice of the peace and municipal judge, shall be transferred to the  
3 municipal court for use in the operation and maintenance of such court.

4 **Sec. 2042.** RCW 35.21.260 and 1999 c 204 s 1 are each amended to  
5 read as follows:

6 The governing authority of each city and town on or before May 31st  
7 of each year shall submit such records and reports regarding street  
8 operations in the city or town to the secretary of transportation on  
9 forms furnished by him or her as are necessary to enable him or her to  
10 compile an annual report thereon.

11 **Sec. 2043.** RCW 35.21.850 and 1982 c 169 s 3 are each amended to  
12 read as follows:

13 No demand for a fee or tax or penalty shall be made by a city or  
14 town against a motor carrier of freight for hire on gross income  
15 derived from providing transportation services more than four years  
16 after the close of the year in which the same accrued except (1)  
17 against a taxpayer who has been guilty of fraud or misrepresentation of  
18 a material fact; or (2) where a taxpayer has executed a written waiver  
19 of such limitations; or (3) against a taxpayer who has not registered  
20 as required by the ordinance of the city or town imposing such tax or  
21 fee, provided this subsection shall not apply to a taxpayer who has  
22 registered in any city or town where the taxpayer maintains an office  
23 or terminal, or in the case of a taxpayer who has paid a license fee or  
24 tax based on such gross receipts to any city or town levying same which  
25 may reasonably be construed to be the principal market of the taxpayer  
26 but in which he or she maintains no office or terminal.

27 **Sec. 2044.** RCW 35.22.130 and 1967 c 123 s 2 are each amended to  
28 read as follows:

29 A petition containing the demand for the submission of the proposed  
30 charter amendment or for an election to be held for the purpose of  
31 electing a board of freeholders for the purpose of preparing a new  
32 charter for the city as provided in RCW 35.22.140 shall be filed with  
33 the city clerk and each signer shall write his or her place of  
34 residence after his or her signature. This and RCW 35.22.120 do not

1 deprive city councils of the right to submit proposed charter  
2 amendments but affords a concurrent and additional method of  
3 submission.

4 **Sec. 2045.** RCW 35.22.210 and 1965 c 7 s 35.22.210 are each amended  
5 to read as follows:

6 Any city of the first class having a population less than one  
7 hundred thousand by the last federal census and having a charter  
8 providing that each of its (~~councilmen~~) councilmembers shall be the  
9 commissioner of an administrative department of such city, may by  
10 ordinance provide for the separate designation of such (~~councilmen~~)  
11 councilmembers as officers, in accordance with such administrative  
12 departments, and for their filing for and election to office under such  
13 separate designations.

14 **Sec. 2046.** RCW 35.22.280 and 2008 c 129 s 1 are each amended to  
15 read as follows:

16 Any city of the first class shall have power:

17 (1) To provide for general and special elections, for questions to  
18 be voted upon, and for the election of officers;

19 (2) To provide for levying and collecting taxes on real and  
20 personal property for its corporate uses and purposes, and to provide  
21 for the payment of the debts and expenses of the corporation;

22 (3) To control the finances and property of the corporation, and to  
23 acquire, by purchase or otherwise, such lands and other property as may  
24 be necessary for any part of the corporate uses provided for by its  
25 charter, and to dispose of any such property as the interests of the  
26 corporation may, from time to time, require;

27 (4) To borrow money for corporate purposes on the credit of the  
28 corporation, and to issue negotiable bonds therefor, on such conditions  
29 and in such manner as shall be prescribed in its charter; but no city  
30 shall, in any manner or for any purpose, become indebted to an amount  
31 in the aggregate to exceed the limitation of indebtedness prescribed by  
32 chapter 39.36 RCW as now or hereafter amended;

33 (5) To issue bonds in place of or to supply means to meet maturing  
34 bonds or other indebtedness, or for the consolidation or funding of the  
35 same;

1 (6) To purchase or appropriate private property within or without  
2 its corporate limits, for its corporate uses, upon making just  
3 compensation to the owners thereof, and to institute and maintain such  
4 proceedings as may be authorized by the general laws of the state for  
5 the appropriation of private property for public use;

6 (7) To lay out, establish, open, alter, widen, extend, grade, pave,  
7 plank, establish grades, or otherwise improve streets, alleys, avenues,  
8 sidewalks, wharves, parks, and other public grounds, and to regulate  
9 and control the use thereof, and to vacate the same, and to authorize  
10 or prohibit the use of electricity at, in, or upon any of said streets,  
11 or for other purposes, and to prescribe the terms and conditions upon  
12 which the same may be so used, and to regulate the use thereof;

13 (8) To change the grade of any street, highway, or alley within its  
14 corporate limits, and to provide for the payment of damages to any  
15 abutting owner or owners who shall have built or made other  
16 improvements upon such street, highway, or alley at any point opposite  
17 to the point where such change shall be made with reference to the  
18 grade of such street, highway, or alley as the same existed prior to  
19 such change;

20 (9) To authorize or prohibit the locating and constructing of any  
21 railroad or street railroad in any street, alley, or public place in  
22 such city, and to prescribe the terms and conditions upon which any  
23 such railroad or street railroad shall be located or constructed; to  
24 provide for the alteration, change of grade, or removal thereof; to  
25 regulate the moving and operation of railroad and street railroad  
26 trains, cars, and locomotives within the corporate limits of said city;  
27 and to provide by ordinance for the protection of all persons and  
28 property against injury in the use of such railroads or street  
29 railroads;

30 (10) To provide for making local improvements, and to levy and  
31 collect special assessments on property benefited thereby, and for  
32 paying for the same or any portion thereof;

33 (11) To acquire, by purchase or otherwise, lands for public parks  
34 within or without the limits of such city, and to improve the same.  
35 When the language of any instrument by which any property is so  
36 acquired limits the use of said property to park purposes and contains  
37 a reservation of interest in favor of the grantor or any other person,  
38 and where it is found that the property so acquired is not needed for

1 park purposes and that an exchange thereof for other property to be  
2 dedicated for park purposes is in the public interest, the city may,  
3 with the consent of the grantor or such other person, his or her heirs,  
4 successors, or assigns, exchange such property for other property to be  
5 dedicated for park purposes, and may make, execute, and deliver proper  
6 conveyances to effect the exchange. In any case where, owing to death  
7 or lapse of time, there is neither donor, heir, successor, or assignee  
8 to give consent, this consent may be executed by the city and filed for  
9 record with an affidavit setting forth all efforts made to locate  
10 people entitled to give such consent together with the facts which  
11 establish that no consent by such persons is attainable. Title to  
12 property so conveyed by the city shall vest in the grantee free and  
13 clear of any trust in favor of the public arising out of any prior  
14 dedication for park purposes, but the right of the public shall be  
15 transferred and preserved with like force and effect to the property  
16 received by the city in such exchange;

17 (12) To construct and keep in repair bridges, viaducts, and  
18 tunnels, and to regulate the use thereof;

19 (13) To determine what work shall be done or improvements made at  
20 the expense, in whole or in part, of the owners of the adjoining  
21 contiguous, or proximate property, or others specially benefited  
22 thereby; and to provide for the manner of making and collecting  
23 assessments therefor;

24 (14) To provide for erecting, purchasing, or otherwise acquiring  
25 waterworks, within or without the corporate limits of said city, to  
26 supply said city and its inhabitants with water, or authorize the  
27 construction of same by others when deemed for the best interests of  
28 such city and its inhabitants, and to regulate and control the use and  
29 price of the water so supplied;

30 (15) To provide for lighting the streets and all public places, and  
31 for furnishing the inhabitants thereof with gas or other lights, and to  
32 erect, or otherwise acquire, and to maintain the same, or to authorize  
33 the erection and maintenance of such works as may be necessary and  
34 convenient therefor, and to regulate and control the use thereof;

35 (16) To establish and regulate markets, and to provide for the  
36 weighing, measuring, and inspection of all articles of food and drink  
37 offered for sale thereat, or at any other place within its limits, by  
38 proper penalties, and to enforce the keeping of proper legal weights

1 and measures by all vendors in such city, and to provide for the  
2 inspection thereof. Whenever the words "public markets" are used in  
3 this chapter, and the public market is managed in whole or in part by  
4 a public corporation created by a city, the words shall be construed to  
5 include all real or personal property located in a district or area  
6 designated by a city as a public market and traditionally devoted to  
7 providing farmers, crafts vendors and other merchants with retail space  
8 to market their wares to the public. Property located in such a  
9 district or area need not be exclusively or primarily used for such  
10 traditional public market retail activities and may include property  
11 used for other public purposes including, but not limited to, the  
12 provision of human services and low-income or moderate-income housing;

13 (17) To erect and establish hospitals and pesthouses, and to  
14 control and regulate the same;

15 (18) To provide for establishing and maintaining reform schools for  
16 juvenile offenders;

17 (19) To provide for the establishment and maintenance of public  
18 libraries, and to appropriate, annually, such percent of all moneys  
19 collected for fines, penalties, and licenses as shall be prescribed by  
20 its charter, for the support of a city library, which shall, under such  
21 regulations as shall be prescribed by ordinance, be open for use by the  
22 public;

23 (20) To regulate the burial of the dead, and to establish and  
24 regulate cemeteries within or without the corporate limits, and to  
25 acquire land therefor by purchase or otherwise; to cause cemeteries to  
26 be removed beyond the limits of the corporation, and to prohibit their  
27 establishment within two miles of the boundaries thereof;

28 (21) To direct the location and construction of all buildings in  
29 which any trade or occupation offensive to the senses or deleterious to  
30 public health or safety shall be carried on, and to regulate the  
31 management thereof; and to prohibit the erection or maintenance of such  
32 buildings or structures, or the carrying on of such trade or occupation  
33 within the limits of such corporation, or within the distance of two  
34 miles beyond the boundaries thereof;

35 (22) To provide for the prevention and extinguishment of fires and  
36 to regulate or prohibit the transportation, keeping, or storage of all  
37 combustible or explosive materials within its corporate limits, and to  
38 regulate and restrain the use of fireworks;

1 (23) To establish fire limits and to make all such regulations for  
2 the erection and maintenance of buildings or other structures within  
3 its corporate limits as the safety of persons or property may require,  
4 and to cause all such buildings and places as may from any cause be in  
5 a dangerous state to be put in safe condition;

6 (24) To regulate the manner in which stone, brick, and other  
7 buildings, party walls, and partition fences shall be constructed and  
8 maintained;

9 (25) To deepen, widen, dock, cover, wall, alter, or change the  
10 channels of waterways and courses, and to provide for the construction  
11 and maintenance of all such works as may be required for the  
12 accommodation of commerce, including canals, slips, public landing  
13 places, wharves, docks, and levees, and to control and regulate the use  
14 thereof;

15 (26) To control, regulate, or prohibit the anchorage, moorage, and  
16 landing of all watercrafts and their cargoes within the jurisdiction of  
17 the corporation;

18 (27) To fix the rates of wharfage and dockage, and to provide for  
19 the collection thereof, and to provide for the imposition and  
20 collection of such harbor fees as may be consistent with the laws of  
21 the United States;

22 (28) To license, regulate, control, or restrain wharf boats, tugs,  
23 and other boats used about the harbor or within such jurisdiction;

24 (29) To require the owners of public halls or other buildings to  
25 provide suitable means of exit; to provide for the prevention and  
26 abatement of nuisances, for the cleaning and purification of  
27 watercourses and canals, for the drainage and filling up of ponds on  
28 private property within its limits, when the same shall be offensive to  
29 the senses or dangerous to health; to regulate and control, and to  
30 prevent and punish, the defilement or pollution of all streams running  
31 through or into its corporate limits, and for the distance of five  
32 miles beyond its corporate limits, and on any stream or lake from which  
33 the water supply of said city is taken, for a distance of five miles  
34 beyond its source of supply; to provide for the cleaning of areas,  
35 vaults, and other places within its corporate limits which may be so  
36 kept as to become offensive to the senses or dangerous to health, and  
37 to make all such quarantine or other regulations as may be necessary

1 for the preservation of the public health, and to remove all persons  
2 afflicted with any infectious or contagious disease to some suitable  
3 place to be provided for that purpose;

4 (30) To declare what shall be a nuisance, and to abate the same,  
5 and to impose fines upon parties who may create, continue, or suffer  
6 nuisances to exist;

7 (31) To regulate the selling or giving away of intoxicating, malt,  
8 vinous, mixed, or fermented liquors as authorized by the general laws  
9 of the state: PROVIDED, That no license shall be granted to any person  
10 or persons who shall not first comply with the general laws of the  
11 state in force at the time the same is granted;

12 (32) To grant licenses for any lawful purpose, and to fix by  
13 ordinance the amount to be paid therefor, and to provide for revoking  
14 the same. However, no license shall be granted to continue for longer  
15 than one year from the date thereof. A city may not require a business  
16 to be licensed based solely upon registration under or compliance with  
17 the streamlined sales and use tax agreement;

18 (33) To regulate the carrying on within its corporate limits of all  
19 occupations which are of such a nature as to affect the public health  
20 or the good order of said city, or to disturb the public peace, and  
21 which are not prohibited by law, and to provide for the punishment of  
22 all persons violating such regulations, and of all persons who  
23 knowingly permit the same to be violated in any building or upon any  
24 premises owned or controlled by them;

25 (34) To restrain and provide for the punishment of vagrants,  
26 mendicants, prostitutes, and other disorderly persons;

27 (35) To provide for the punishment of all disorderly conduct, and  
28 of all practices dangerous to public health or safety, and to make all  
29 regulations necessary for the preservation of public morality, health,  
30 peace, and good order within its limits, and to provide for the arrest,  
31 trial, and punishment of all persons charged with violating any of the  
32 ordinances of said city. The punishment shall not exceed a fine of  
33 five thousand dollars or imprisonment in the city jail for one year, or  
34 both such fine and imprisonment. The punishment for any criminal  
35 ordinance shall be the same as the punishment provided in state law for  
36 the same crime. Such cities alternatively may provide that violations  
37 of ordinances constitute a civil violation subject to monetary

1 penalties, but no act which is a state crime may be made a civil  
2 violation;

3 (36) To project or extend its streets over and across any tidelands  
4 within its corporate limits, and along or across the harbor areas of  
5 such city, in such manner as will best promote the interests of  
6 commerce;

7 (37) To provide in their respective charters for a method to  
8 propose and adopt amendments thereto.

9 **Sec. 2047.** RCW 35.22.610 and 1967 ex.s. c 37 s 1 are each amended  
10 to read as follows:

11 Notwithstanding the provisions of RCW 35.21.200, as now or  
12 hereafter amended, all cities of the first class shall have the right  
13 and authority to appoint and employ a person as a regular or special  
14 police officer of said city regardless of his or her place of residence  
15 or domicile at the date of his or her appointment.

16 This provision shall supersede any provision of any city charter to  
17 the contrary.

18 **Sec. 2048.** RCW 35.23.010 and 1965 c 7 s 35.23.010 are each amended  
19 to read as follows:

20 Every city of the second class shall be entitled "City of  
21 . . . . ." (naming it), and by such name shall have perpetual  
22 succession; may sue and be sued in all courts and in all proceedings;  
23 shall have and use a common seal which it may alter at pleasure; may  
24 acquire, hold, lease, use and enjoy property of every kind and control  
25 and dispose of it for the common benefit; and, upon making a finding  
26 that any property acquired for park purposes is not useful for such  
27 purposes and that an exchange thereof for other property to be  
28 dedicated for park purposes is in the public interest, may, with the  
29 consent of the dedicator or donor, his or her heirs, successors or  
30 assigns, exchange such property for other property to be dedicated for  
31 park purposes and make, execute and deliver proper conveyances to  
32 effect the exchange. In any case where owing to death or lapse of time  
33 there is neither donor, heir, successor, nor assigns to give consent to  
34 the exchange, then this consent may be executed by the grantee. Title  
35 to property so conveyed by the city shall vest in the grantee free and

1 clear of any trust in favor of the public arising out of any prior  
2 dedication for park purposes.

3 **Sec. 2049.** RCW 35.23.111 and 1965 c 7 s 35.24.110 are each amended  
4 to read as follows:

5 The city attorney shall advise the city authorities and officers in  
6 all legal matters pertaining to the business of the city and shall  
7 approve all ordinances as to form. He or she shall represent the city  
8 in all actions brought by or against the city or against city officials  
9 in their official capacity. He or she shall perform such other duties  
10 as the city council by ordinance may direct.

11 **Sec. 2050.** RCW 35.23.131 and 1965 c 7 s 35.24.130 are each amended  
12 to read as follows:

13 The city treasurer shall receive and safely keep all money which  
14 comes into his or her hands as treasurer, for all of which he or she  
15 shall execute triplicate receipts, one to be filed with the city clerk.  
16 He or she shall receive all money due the city and disburse it on  
17 warrants issued by the clerk countersigned by the mayor, and not  
18 otherwise. He or she shall make monthly settlements with the city  
19 clerk at which time he or she shall deliver to the clerk the duplicate  
20 receipts for all money received and all canceled warrants as evidence  
21 of money paid.

22 **Sec. 2051.** RCW 35.23.144 and 1969 c 116 s 4 are each amended to  
23 read as follows:

24 In the event that the office of treasurer is combined with the  
25 office of clerk so as to become the office of clerk-treasurer, the  
26 clerk shall exercise all the powers vested in and perform all the  
27 duties required to be performed by the treasurer, and in cases where  
28 the law requires the treasurer to sign or execute any papers or  
29 documents, it shall not be necessary for the clerk to sign as  
30 treasurer, but shall be sufficient if he or she signs as clerk.

31 **Sec. 2052.** RCW 35.23.410 and 1965 c 7 s 35.23.410 are each amended  
32 to read as follows:

33 The city council may lease for business purposes portions of the  
34 ends of streets terminating in the waterfront or navigable waters of

1 the city with the written consent of all the property owners whose  
2 properties abut upon the portion proposed to be leased. The lease may  
3 be made for any period not exceeding fifteen years but must provide  
4 that at intervals of every five years during the term, the rental to be  
5 paid by the lessee shall be readjusted between him or her and the city  
6 by mutual agreement, or if they cannot agree by a board of arbitration,  
7 one to be chosen by the city, one by the lessee and the third by the  
8 other two, their decision to be final. The vote of two-thirds of all  
9 the ((~~councilmen~~)) councilmembers elected is necessary to authorize  
10 such a lease.

11 **Sec. 2053.** RCW 35.23.440 and 2008 c 129 s 2 are each amended to  
12 read as follows:

13 The city council of each second-class city shall have power and  
14 authority:

15 (1) Ordinances: To make and pass all ordinances, orders, and  
16 resolutions not repugnant to the Constitution of the United States or  
17 the state of Washington, or the provisions of this title, necessary for  
18 the municipal government and management of the affairs of the city, for  
19 the execution of the powers vested in said body corporate, and for the  
20 carrying into effect of the provisions of this title.

21 (2) License of shows: To fix and collect a license tax, for the  
22 purposes of revenue and regulation, on theatres, melodeons, balls,  
23 concerts, dances, theatrical, circus, or other performances, and all  
24 performances where an admission fee is charged, or which may be held in  
25 any house or place where wines or liquors are sold to the  
26 participators; also all shows, billiard tables, pool tables, bowling  
27 alleys, exhibitions, or amusements.

28 (3) Hotels, etc., licenses: To fix and collect a license tax for  
29 the purposes of revenue and regulation on and to regulate all taverns,  
30 hotels, restaurants, banks, brokers, manufactories, livery stables,  
31 express companies and persons engaged in transmitting letters or  
32 packages, railroad, stage, and steamboat companies or owners, whose  
33 principal place of business is in such city, or who have an agency  
34 therein.

35 (4) Peddlers', etc., licenses: To license, for the purposes of  
36 revenue and regulation, tax, prohibit, suppress, and regulate all

1 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,  
2 booths, or sheds; and to regulate as authorized by state law all  
3 tippling houses, dram shops, saloons, bars, and barrooms.

4 (5) Dance houses: To prohibit or suppress, or to license and  
5 regulate all dance houses, fandango houses, or any exhibition or show  
6 of any animal or animals.

7 (6) License vehicles: To license for the purposes of revenue and  
8 regulation, and to tax hackney coaches, cabs, omnibuses, drays, market  
9 wagons, and all other vehicles used for hire, and to regulate their  
10 stands, and to fix the rates to be charged for the transportation of  
11 persons, baggage, and property.

12 (7) Hotel runners: To license or suppress runners for steamboats,  
13 taverns, or hotels.

14 (8) License generally: To fix and collect a license tax for the  
15 purposes of revenue and regulation, upon all occupations and trades,  
16 and all and every kind of business authorized by law not heretofore  
17 specified. However, on any business, trade, or calling not provided by  
18 law to be licensed for state and county purposes, the amount of license  
19 shall be fixed at the discretion of the city council, as they may deem  
20 the interests and good order of the city may require. A city may not  
21 require a business to be licensed based solely upon registration under  
22 or compliance with the streamlined sales and use tax agreement.

23 (9) Riots: To prevent and restrain any riot or riotous  
24 assemblages, disturbance of the peace, or disorderly conduct in any  
25 place, house, or street in the city.

26 (10) Nuisances: To declare what shall be deemed nuisances; to  
27 prevent, remove, and abate nuisances at the expense of the parties  
28 creating, causing, or committing or maintaining the same, and to levy  
29 a special assessment on the land or premises whereon the nuisance is  
30 situated to defray the cost or to reimburse the city for the cost of  
31 abating the same.

32 (11) Stock pound: To establish, maintain, and regulate a common  
33 pound for estrays, and to appoint a poundkeeper, who shall be paid out  
34 of the fines and fees imposed and collected of the owners of any  
35 animals impounded, and from no other source; to prevent and regulate  
36 the running at large of any and all domestic animals within the city  
37 limits or any parts thereof, and to regulate or prevent the keeping of  
38 such animals within any part of the city.

1 (12) Control of certain trades: To control and regulate  
2 slaughterhouses, washhouses, laundries, tanneries, forges, and  
3 offensive trades, and to provide for their exclusion or removal from  
4 the city limits, or from any part thereof.

5 (13) Street cleaning: To provide, by regulation, for the  
6 prevention and summary removal of all filth and garbage in streets,  
7 sloughs, alleys, back yards, or public grounds of such city, or  
8 elsewhere therein.

9 (14) Gambling, etc.: To prohibit and suppress all gaming and all  
10 gambling or disorderly houses, and houses of ill fame, and all immoral  
11 and indecent amusements, exhibitions, and shows.

12 (15) Markets: To establish and regulate markets and market places.

13 (16) Speed of railroad cars: To fix and regulate the speed at  
14 which any railroad cars, streetcars, automobiles, or other vehicles may  
15 run within the city limits, or any portion thereof.

16 (17) City commons: To provide for and regulate the commons of the  
17 city.

18 (18) Fast driving: To regulate or prohibit fast driving or riding  
19 in any portion of the city.

20 (19) Combustibles: To regulate or prohibit the loading or storage  
21 of gunpowder and combustible or explosive materials in the city, or  
22 transporting the same through its streets or over its waters.

23 (20) Property: To have, purchase, hold, use, and enjoy property of  
24 every name or kind whatsoever, and to sell, lease, transfer, mortgage,  
25 convey, control, or improve the same; to build, erect, or construct  
26 houses, buildings, or structures of any kind needful for the use or  
27 purposes of such city.

28 (21) Fire department: To establish, continue, regulate, and  
29 maintain a fire department for such city, to change or reorganize the  
30 same, and to disband any company or companies of the said department;  
31 also, to discontinue and disband said fire department, and to create,  
32 organize, establish, and maintain a paid fire department for such city.

33 (22) Water supply: To adopt, enter into, and carry out means for  
34 securing a supply of water for the use of such city or its inhabitants,  
35 or for irrigation purposes therein.

36 (23) Overflow of water: To prevent the overflow of the city or to  
37 secure its drainage, and to assess the cost thereof to the property  
38 benefited.

1 (24) House numbers: To provide for the numbering of houses.

2 (25) Health board: To establish a board of health; to prevent the  
3 introduction and spread of disease; to establish a city infirmary and  
4 to provide for the indigent sick; and to provide and enforce  
5 regulations for the protection of health, cleanliness, peace, and good  
6 order of the city; to establish and maintain hospitals within or  
7 without the city limits; to control and regulate interments and to  
8 prohibit them within the city limits.

9 (26) Harbors and wharves: To build, alter, improve, keep in  
10 repair, and control the waterfront; to erect, regulate, and repair  
11 wharves, and to fix the rate of wharfage and transit of wharf, and levy  
12 dues upon vessels and commodities; and to provide for the regulation of  
13 berths, landing, stationing, and removing steamboats, sail vessels,  
14 rafts, barges, and all other watercraft; to fix the rate of speed at  
15 which steamboats and other steam watercraft may run along the  
16 waterfront of the city; to build bridges so as not to interfere with  
17 navigation; to provide for the removal of obstructions to the  
18 navigation of any channel or watercourses or channels.

19 (27) License of steamers: To license steamers, boats, and vessels  
20 used in any watercourse in the city, and to fix and collect a license  
21 tax thereon.

22 (28) Ferry licenses: To license ferries and toll bridges under the  
23 law regulating the granting of such license.

24 (29) Penalty for violation of ordinances: To provide that  
25 violations of ordinances with the punishment for any offense not  
26 exceeding a fine of five thousand dollars or imprisonment for more than  
27 one year, or both fine and imprisonment, but the punishment for any  
28 criminal ordinance shall be the same as the punishment provided in  
29 state law for the same crime. Alternatively, such a city may provide  
30 that a violation of an ordinance constitutes a civil violation subject  
31 to monetary penalties or to determine and impose fines for forfeitures  
32 and penalties, but no act which is a state crime may be made a civil  
33 violation. A violation of an order, regulation, or ordinance relating  
34 to traffic including parking, standing, stopping, and pedestrian  
35 offenses is a traffic infraction, except that violation of an order,  
36 regulation, or ordinance equivalent to those provisions of Title 46 RCW  
37 set forth in RCW 46.63.020 remains a misdemeanor.

1 (30) Police department: To create and establish a city police; to  
2 prescribe their duties and their compensation; and to provide for the  
3 regulation and government of the same.

4 (31) Examine official accounts: To examine, either in open session  
5 or by committee, the accounts or doings of all officers or other  
6 persons having the care, management, or disposition of moneys,  
7 property, or business of the city.

8 (32) Contracts: To make all appropriations, contracts, or  
9 agreements for the use or benefit of the city and in the city's name.

10 (33) Streets and sidewalks: To provide by ordinance for the  
11 opening, laying out, altering, extending, repairing, grading, paving,  
12 planking, graveling, macadamizing, or otherwise improving of public  
13 streets, avenues, and other public ways, or any portion of any thereof;  
14 and for the construction, regulation, and repair of sidewalks and other  
15 street improvements, all at the expense of the property to be benefited  
16 thereby, without any recourse, in any event, upon the city for any  
17 portion of the expense of such work, or any delinquency of the property  
18 holders or owners, and to provide for the forced sale thereof for such  
19 purposes; to establish a uniform grade for streets, avenues, sidewalks,  
20 and squares, and to enforce the observance thereof.

21 (34) Waterways: To clear, cleanse, alter, straighten, widen, fill  
22 up, or close any waterway, drain, or sewer, or any watercourse in such  
23 city when not declared by law to be navigable, and to assess the  
24 expense thereof, in whole or in part, to the property specially  
25 benefited.

26 (35) Sewerage: To adopt, provide for, establish, and maintain a  
27 general system of sewerage, draining, or both, and the regulation  
28 thereof; to provide funds by local assessments on the property  
29 benefited for the purpose aforesaid and to determine the manner, terms,  
30 and place of connection with main or central lines of pipes, sewers, or  
31 drains established, and compel compliance with and conformity to such  
32 general system of sewerage or drainage, or both, and the regulations of  
33 said council thereto relating, by the infliction of suitable penalties  
34 and forfeitures against persons and property, or either, for  
35 nonconformity to, or failure to comply with the provisions of such  
36 system and regulations or either.

37 (36) Buildings and parks: To provide for all public buildings,  
38 public parks, or squares, necessary or proper for the use of the city.

1 (37) Franchises: To permit the use of the streets for railroad or  
2 other public service purposes.

3 (38) Payment of judgments: To order paid any final judgment  
4 against such city, but none of its lands or property of any kind or  
5 nature, taxes, revenue, franchise, or rights, or interest, shall be  
6 attached, levied upon, or sold in or under any process whatsoever.

7 (39) Weighing of fuel: To regulate the sale of coal and wood in  
8 such city, and may appoint a measurer of wood and weigher of coal for  
9 the city, and define his or her duties, and may prescribe his or her  
10 term of office, and the fees he or she shall receive for his or her  
11 services: PROVIDED, That such fees shall in all cases be paid by the  
12 parties requiring such service.

13 (40) Hospitals, etc.: To erect and establish hospitals and  
14 pesthouses and to control and regulate the same.

15 (41) Waterworks: To provide for the erection, purchase, or  
16 otherwise acquiring of waterworks within or without the corporate  
17 limits of the city to supply such city and its inhabitants with water,  
18 and to regulate and control the use and price of the water so supplied.

19 (42) City lights: To provide for lighting the streets and all  
20 public places of the city and for furnishing the inhabitants of the  
21 city with gas, electric, or other light, and for the ownership,  
22 purchase or acquisition, construction, or maintenance of such works as  
23 may be necessary or convenient therefor: PROVIDED, That no purchase of  
24 any such water plant or light plant shall be made without first  
25 submitting the question of such purchase to the electors of the city.

26 (43) Parks: To acquire by purchase or otherwise land for public  
27 parks, within or without the limits of the city, and to improve the  
28 same.

29 (44) Bridges: To construct and keep in repair bridges, and to  
30 regulate the use thereof.

31 (45) Power of eminent domain: In the name of and for the use and  
32 benefit of the city, to exercise the right of eminent domain, and to  
33 condemn lands and property for the purposes of streets, alleys, parks,  
34 public grounds, waterworks, or for any other municipal purpose and to  
35 acquire by purchase or otherwise such lands and property as may be  
36 deemed necessary for any of the corporate uses provided for by this  
37 title, as the interests of the city may from time to time require.

1 (46) To provide for the assessment of taxes: To provide for the  
2 assessment, levying, and collecting of taxes on real and personal  
3 property for the corporate uses and purposes of the city and to provide  
4 for the payment of the debts and expenses of the corporation.

5 (47) Local improvements: To provide for making local improvements,  
6 and to levy and collect special assessments on the property benefited  
7 thereby and for paying the same or any portion thereof; to determine  
8 what work shall be done or improvements made, at the expense, in whole  
9 or in part, of the adjoining, contiguous, or proximate property, and to  
10 provide for the manner of making and collecting assessments therefor.

11 (48) Cemeteries: To regulate the burial of the dead and to  
12 establish and regulate cemeteries, within or without the corporate  
13 limits, and to acquire lands therefor by purchase or otherwise.

14 (49) Fire limits: To establish fire limits with proper regulations  
15 and to make all needful regulations for the erection and maintenance of  
16 buildings or other structures within the corporate limits as safety of  
17 persons or property may require, and to cause all such buildings and  
18 places as may from any cause be in a dangerous state to be put in a  
19 safe condition; to regulate the manner in which stone, brick, and other  
20 buildings, party walls, and partition fences shall be constructed and  
21 maintained.

22 (50) Safety and sanitary measures: To require the owners of public  
23 halls, theaters, hotels, and other buildings to provide suitable means  
24 of exit and proper fire escapes; to provide for the cleaning and  
25 purification of watercourses and canals and for the draining and  
26 filling up of ponds on private property within its limits when the same  
27 shall be offensive to the senses or dangerous to the health, and to  
28 charge the expense thereof to the property specially benefited, and to  
29 regulate and control and provide for the prevention and punishment of  
30 the defilement or pollution of all streams running in or through its  
31 corporate limits and a distance of five miles beyond its corporate  
32 limits, and of any stream or lake from which the water supply of the  
33 city is or may be taken and for a distance of five miles beyond its  
34 source of supply, and to make all quarantine and other regulations as  
35 may be necessary for the preservation of the public health and to  
36 remove all persons afflicted with any contagious disease to some  
37 suitable place to be provided for that purpose.

1 (51) To regulate liquor traffic: To regulate the selling or giving  
2 away of intoxicating, spirituous, malt, vinous, mixed, or fermented  
3 liquors as authorized by the general laws of the state.

4 (52) To establish streets on tidelands: To project or extend or  
5 establish streets over and across any tidelands within the limits of  
6 such city.

7 (53) To provide for the general welfare.

8 **Sec. 2054.** RCW 35.27.030 and 1965 c 7 s 35.27.030 are each amended  
9 to read as follows:

10 Whenever a petition is presented to the council of any incorporated  
11 town in this state, signed by not less than five electors of such town,  
12 setting forth that in the belief of the petitioners, the boundaries of  
13 said town are indefinite and uncertain and that on account of such  
14 indefiniteness and uncertainty the legality of the taxes levied within  
15 such town are in danger of being affected, and setting forth the  
16 particular causes or reasons of such alleged indefiniteness or  
17 uncertainty, it shall be the duty of the town council to cause the  
18 petition to be filed and recorded by the clerk, and to cause a copy of  
19 the same to be made and certified by the clerk and the corporate seal  
20 of such town to be attached to said certificate, and the mayor of such  
21 town shall forthwith present said certified copy of the petition to the  
22 board of county commissioners of the county wherein said town is  
23 situated, with a written request to be signed by him or her as such  
24 mayor that the said board of county commissioners proceed to examine  
25 the boundaries of such town or city, and make the same definite and  
26 certain.

27 **Sec. 2055.** RCW 35.27.050 and 1965 c 7 s 35.27.050 are each amended  
28 to read as follows:

29 The board of county commissioners, without unnecessary delay, shall  
30 make and file a report of their doings in the premises in the office of  
31 the county auditor, who shall transmit a certified copy thereof under  
32 the seal of the county, to the clerk of the town, and the clerk shall  
33 record the same in the records of the town, and keep the copy on file  
34 in his or her office. The report shall contain the description of the  
35 boundary of the town, as fixed by the board, written in plain words and

1 figures and the boundaries so made and fixed shall be the boundaries of  
2 the town, and all the territory included within the boundary lines so  
3 established shall be included in the town, and be a part thereof.

4 **Sec. 2056.** RCW 35.27.090 and 1979 ex.s. c 126 s 23 are each  
5 amended to read as follows:

6 All general municipal elections in towns shall be held biennially  
7 in the odd-numbered years as provided in RCW (~~(29.13.020)~~) 29A.04.330.  
8 The term of office of the mayor and treasurer shall be four years and  
9 until their successors are elected and qualified and assume office in  
10 accordance with RCW (~~(29.04.170)~~) 29A.20.040: PROVIDED, That the term  
11 of the treasurer shall not commence in the same biennium in which the  
12 term of the mayor commences. (~~(Councilmen)~~) Councilmembers shall be  
13 elected for four year terms and until their successors are elected and  
14 qualified and assume office in accordance with RCW (~~(29.04.170)~~)  
15 29A.20.040; three at one election and two at the next succeeding  
16 biennial election.

17 **Sec. 2057.** RCW 35.27.120 and 1986 c 167 s 19 are each amended to  
18 read as follows:

19 Every officer of a town before entering upon the duties of his or  
20 her office shall take and file with the county auditor his or her oath  
21 of office. The clerk, treasurer, and marshal before entering upon  
22 their respective duties shall also each execute a bond approved by the  
23 council in such penal sum as the council by ordinance may determine,  
24 conditioned for the faithful performance of his or her duties including  
25 in the same bond the duties of all offices of which he or she is made  
26 ex officio incumbent.

27 All bonds, when approved, shall be filed with the town clerk,  
28 except the bonds of the clerk which shall be filed with the mayor.

29 **Sec. 2058.** RCW 35.27.170 and 1965 c 7 s 35.27.170 are each amended  
30 to read as follows:

31 The town treasurer shall receive and safely keep all money which  
32 comes into his or her hands as treasurer, for all of which he or she  
33 shall give duplicate receipts, one of which shall be filed with the  
34 clerk. He or she shall pay out the money on warrants signed by the

1 mayor and countersigned by the clerk and not otherwise. He or she  
2 shall make monthly settlements with the clerk.

3 **Sec. 2059.** RCW 35.27.190 and 1965 c 7 s 35.27.190 are each amended  
4 to read as follows:

5 Upon the consolidation of the office of treasurer with that of  
6 clerk, the office of treasurer shall be abolished and the clerk shall  
7 exercise all the powers and perform all the duties required by statute  
8 or ordinance to be performed by the treasurer; in the execution of any  
9 papers his or her designation as clerk shall be sufficient.

10 Upon the consolidation of the office of clerk with that of  
11 treasurer, the treasurer shall exercise all the powers vested in and  
12 perform all the duties required to be performed by the clerk.

13 **Sec. 2060.** RCW 35.27.230 and 1965 c 7 s 35.27.230 are each amended  
14 to read as follows:

15 The proceedings of the town council shall be kept in a book marked  
16 "records of council."

17 The town clerk shall keep a book marked "town accounts," in which  
18 shall be entered on the debit side all moneys received by the town  
19 including but not limited to proceeds from licenses and general taxes  
20 and in which shall be entered on the credit side all warrants drawn on  
21 the treasury.

22 He or she shall also keep a book marked "marshal's account" in  
23 which he or she shall charge the marshal with all licenses delivered to  
24 him or her and credit him or her with all money collected and paid in.

25 He or she shall also keep a book marked "treasurer's account" in  
26 which he or she shall keep a full account of the transactions of the  
27 town with the treasurer.

28 He or she shall also keep a book marked "licenses" in which he or  
29 she shall enter all licenses issued by him or her--the date thereof, to  
30 whom issued, for what, the time they expire, and the amount paid.

31 Each of the foregoing books, except the records of the council,  
32 shall have a general index sufficiently comprehensive to enable a  
33 person readily to ascertain matters contained therein.

34 He or she shall also keep a book marked "demands and warrants" in  
35 which he or she shall enter every demand against the town at the time  
36 of filing it. He or she shall state therein the final disposition of

1 each demand and if it is allowed and a warrant drawn, he or she shall  
2 state the number of the warrant and its date. This book shall contain  
3 an index in which reference shall be made to each demand.

4 **Sec. 2061.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to  
5 read as follows:

6 A majority of the (~~councilmen~~) councilmembers shall constitute a  
7 quorum for the transaction of business, but a lesser number may adjourn  
8 from time to time and may compel the attendance of absent members in  
9 such manner and under such penalties as may be prescribed by ordinance.

10 The mayor shall preside at all meetings of the council. The mayor  
11 shall have a vote only in case of a tie in the votes of the  
12 (~~councilmen~~) councilmembers. In the absence of the mayor the council  
13 may appoint a president pro tempore; in the absence of the clerk, the  
14 mayor or president pro tempore, shall appoint one of the councilmembers  
15 as clerk pro tempore. The council may establish rules for the conduct  
16 of its proceedings and punish any members or other person for  
17 disorderly behavior at any meeting. At the desire of any member, the  
18 ayes and noes shall be taken on any question and entered in the  
19 journal.

20 **Sec. 2062.** RCW 35.27.310 and 1965 c 7 s 35.27.310 are each amended  
21 to read as follows:

22 The town clerk shall keep a book marked "ordinances" into which he  
23 or she shall copy all town ordinances, with his or her certificate  
24 annexed to said copy stating that the foregoing ordinance is a true and  
25 correct copy of an ordinance of the town, and giving the number and  
26 title of the ordinance, and stating that it has been published or  
27 posted according to law. Such record copy, with the clerk's  
28 certificate, shall be prima facie evidence of the contents of the  
29 ordinance and of its passage and publication, and shall be admissible  
30 as such in any court or proceeding. Such record shall not be filed in  
31 any case but shall be returned to the custody of the clerk. Nothing  
32 herein shall be construed to prevent the proof of the passage and  
33 publication of ordinances in the usual way. The book of ordinances  
34 shall have a general index sufficiently comprehensive to enable a  
35 person readily to ascertain matters contained therein.

1       **Sec. 2063.** RCW 35.27.330 and 1965 c 7 s 35.27.330 are each amended  
2 to read as follows:

3       No ordinance or resolution granting any franchise for any purpose  
4 shall be passed by the council on the day of its introduction, nor  
5 within five days thereafter, nor at any other than a regular meeting,  
6 and no such ordinance or resolution shall have any validity or effect  
7 unless passed by the vote of at least three (~~councilmen~~)  
8 councilmembers. The town council may require a bond in a reasonable  
9 amount from any persons and corporations obtaining a franchise from the  
10 town conditioned for the faithful performance of the conditions and  
11 terms of the franchise and providing a recovery on the bond in case of  
12 failure to perform the terms and conditions of the franchise.

13       **Sec. 2064.** RCW 35.27.340 and 1965 c 7 s 35.27.340 are each amended  
14 to read as follows:

15       All demands against a town shall be presented to and audited by the  
16 council in accordance with such regulations as they may by ordinance  
17 prescribe. Upon allowance of a demand the mayor shall draw a warrant  
18 therefor upon the treasurer; the warrant shall be countersigned by the  
19 clerk and shall specify the purpose for which it is drawn.

20       The town clerk and his or\_her deputy shall take all necessary  
21 affidavits to claims against the town and certify them.

22       **Sec. 2065.** RCW 35.32A.020 and 1967 c 7 s 4 are each amended to  
23 read as follows:

24       There shall be a budget director, appointed by the mayor without  
25 regard to civil service rules and regulations and subject to  
26 confirmation by a majority of the members of the city council, who  
27 shall be in charge of the city budget office and, under the direction  
28 of the mayor, shall be responsible for preparing the budget and  
29 supervising its execution. The budget director may be removed by the  
30 mayor upon filing with the city council a statement of his or\_her  
31 reasons therefor.

32       **Sec. 2066.** RCW 35.32A.060 and 1985 c 175 s 64 are each amended to  
33 read as follows:

34       Every city having a population of over three hundred thousand may  
35 maintain an emergency fund, which fund balance shall not exceed thirty-

1 seven and one-half cents per thousand dollars of assessed value. Such  
2 fund shall be maintained by an annual budget allowance. When the  
3 necessity therefor arises transfers may be made to the emergency fund  
4 from any tax-supported fund except bond interest and redemption funds.

5 The city council by an ordinance approved by two-thirds of all of  
6 its members may authorize the expenditure of sufficient money from the  
7 emergency fund, or other designated funds, to meet the expenses or  
8 obligations:

9 (1) Caused by fire, flood, explosion, storm, earthquake, epidemic,  
10 riot, insurrection, act of God, act of the public enemy or any other  
11 such happening that could not have been anticipated; or

12 (2) For the immediate preservation of order or public health or for  
13 the restoration to a condition of usefulness of public property the  
14 usefulness of which has been destroyed by accident; or

15 (3) In settlement of approved claims for personal injuries or  
16 property damages, exclusive of claims arising from the operation of a  
17 public utility owned by the city; or

18 (4) To meet mandatory expenditures required by laws enacted since  
19 the last budget was adopted.

20 The city council by an ordinance approved by three-fourths of all  
21 its members may appropriate from the emergency fund, or other  
22 designated funds, an amount sufficient to meet the actual necessary  
23 expenditures of the city for which insufficient or no appropriations  
24 have been made due to causes which could not reasonably have been  
25 foreseen at the time of the making of the budget.

26 An ordinance authorizing an emergency expenditure shall become  
27 effective immediately upon being approved by the mayor or upon being  
28 passed over his or her veto as provided by the city charter.

29 **Sec. 2067.** RCW 35.33.011 and 1981 c 40 s 1 are each amended to  
30 read as follows:

31 Unless the context clearly indicates otherwise, the following words  
32 as used in this chapter shall have the meaning herein prescribed:

33 (1) "Clerk" as used in this chapter includes the officer performing  
34 the functions of a finance or budget director, comptroller, auditor, or  
35 by whatever title he or she may be known in any city or town.

36 (2) "Department" as used in this chapter includes each office,

1 division, service, system or institution of the city or town for which  
2 no other statutory or charter provision is made for budgeting and  
3 accounting procedures or controls.

4 (3) "Legislative body" as used in this chapter includes council,  
5 commission or any other group of officials serving as the legislative  
6 body of a city or town.

7 (4) "Chief administrative officer" as used in this chapter includes  
8 the mayor of cities or towns having a mayor-council form of government,  
9 the commissioners in cities or towns having a commission form of  
10 government, the city manager, or any other city or town official  
11 designated by the charter or ordinances of such city or town under the  
12 plan of government governing the same, or the budget or finance officer  
13 designated by the mayor, manager or commissioners, to perform the  
14 functions, or portions thereof, contemplated by this chapter.

15 (5) "Fiscal year" as used in this chapter means that fiscal period  
16 set by the city or town pursuant to authority given under RCW 1.16.030.

17 (6) "Fund", as used in this chapter and "funds" where clearly used  
18 to indicate the plural of "fund", shall mean the budgeting or  
19 accounting entity authorized to provide a sum of money for specified  
20 activities or purposes.

21 (7) "Funds" as used in this chapter where not used to indicate the  
22 plural of "fund" shall mean money in hand or available for expenditure  
23 or payment of a debt or obligation.

24 (8) Except as otherwise defined herein, municipal accounting terms  
25 used in this chapter shall have the meaning prescribed by the state  
26 auditor pursuant to RCW 43.09.200.

27 **Sec. 2068.** RCW 35.33.055 and 1969 ex.s. c 95 s 6 are each amended  
28 to read as follows:

29 The chief administrative officer shall prepare the preliminary  
30 budget in detail, making any revisions or additions to the reports of  
31 the department heads deemed advisable by such chief administrative  
32 officer and at least sixty days before the beginning of the city's or  
33 town's next fiscal year he or she shall file it with the clerk as the  
34 recommendation of the chief administrative officer for the final  
35 budget. The clerk shall provide a sufficient number of copies of such  
36 preliminary budget and budget message to meet the reasonable demands of

1 taxpayers therefor and have them available for distribution not later  
2 than six weeks before the beginning of the city's or town's next fiscal  
3 year.

4 **Sec. 2069.** RCW 35.33.135 and 1969 ex.s. c 95 s 20 are each amended  
5 to read as follows:

6 At a time fixed by the city's or town's ordinance or city charter,  
7 not later than the first Monday in October of each year, the chief  
8 administrative officer shall provide the city's or town's legislative  
9 body with current information on estimates of revenues from all sources  
10 as adopted in the budget for the current year, together with estimates  
11 submitted by the clerk under RCW 35.33.051. The city's or town's  
12 legislative body and the city's or town's administrative officer or his  
13 or her designated representative shall consider the city's or town's  
14 total anticipated financial requirements for the ensuing fiscal year,  
15 and the legislative body shall determine and fix by ordinance the  
16 amount to be raised by ad valorem taxes. Upon adoption of the  
17 ordinance fixing the amount of ad valorem taxes to be levied, the clerk  
18 shall certify the same to the board of county commissioners as required  
19 by RCW 84.52.020.

20 **Sec. 2070.** RCW 35.33.170 and 1969 ex.s. c 95 s 25 are each amended  
21 to read as follows:

22 Upon the conviction of any city or town official, department head  
23 or other city or town employee of knowingly failing, or refusing,  
24 without just cause, to perform any duty imposed upon such officer or  
25 employee by this chapter, or city charter or city or town ordinance, in  
26 connection with the giving of notice, the preparing and filing of  
27 estimates of revenues or expenditures or other information required for  
28 preparing a budget report in the time and manner required, or of  
29 knowingly making expenditures in excess of budget appropriations, he or  
30 she shall be guilty of a misdemeanor and shall be fined not more than  
31 five hundred dollars for each separate violation.

32 **Sec. 2071.** RCW 35.36.010 and 1965 c 7 s 35.36.010 are each amended  
33 to read as follows:

34 The mayor, city comptroller and city clerk of every city of the

1 first class may each severally designate one or more bonded persons to  
2 affix his or her signature to any bond or bonds requiring his or her  
3 signature.

4 If the signature of one of these officers is affixed to a bond  
5 during his or her continuance in office by a proxy designated by him or  
6 her whose authority has not been revoked, the bond shall be as binding  
7 upon the city and all concerned as though the officer had signed the  
8 bond in person.

9 This chapter shall apply to all bonds, whether they constitute  
10 obligations of the city as a whole or of any local improvement or other  
11 district or subdivision thereof, whether they call for payment from the  
12 general funds of the city or from a local, special or other fund, and  
13 whether negotiable or otherwise.

14 **Sec. 2072.** RCW 35.36.050 and 1965 c 7 s 35.36.050 are each amended  
15 to read as follows:

16 A mayor, comptroller, or clerk authorizing the affixing of his or  
17 her signature to a bond by a proxy shall be subject to the same  
18 liability personally and on his or her bond for any signature so  
19 affixed and to the same extent as if he or she had affixed his or her  
20 signature in person.

21 **Sec. 2073.** RCW 35.36.060 and 1965 c 7 s 35.36.060 are each amended  
22 to read as follows:

23 In order to designate a proxy to affix his or her signature to  
24 bonds, a mayor, comptroller, or clerk shall address a written notice to  
25 the governing body of the city giving the name of the person whom he or  
26 she has selected therefor and stating generally or specifically what  
27 bonds are to be so signed.

28 Attached to or included in the notice shall be a written signature  
29 of the officer making the designation executed by the proposed proxy  
30 followed by the word "by" and his or her own signature; or, if the  
31 notice so states, the specimen signatures may consist of a facsimile  
32 reproduction of the officer's signature impressed by some mechanical  
33 process followed by the word "by" and the proxy's own signature.

34 If the authority is intended to include the signature upon bonds  
35 bearing an earlier date than the effective date of the notice, the

1 prior dated bonds must be specifically described by reasonable  
2 reference thereto.

3 The notice designating a proxy shall be filed with the city  
4 comptroller or city clerk, together with the specimen signatures  
5 attached thereto and a record of the filing shall be made in the  
6 journal of the governing body. This record shall note the date and  
7 hour of filing and may be made by the official who keeps the journal at  
8 any time after filing of the notice, even during a period of recess or  
9 adjournment of the governing body. The notice shall be effective from  
10 the time of its recording.

11 **Sec. 2074.** RCW 35.37.120 and 1983 c 167 s 38 are each amended to  
12 read as follows:

13 If the council of any city or town which has issued general  
14 indebtedness bonds fails to make any levy necessary to make principal  
15 or interest payments due on the bonds, the owner of any bond or  
16 interest payment which has been presented to the treasurer and payment  
17 thereof refused because of the failure to make a levy may file the bond  
18 together with any unpaid coupons with the county auditor, taking his or  
19 her receipt therefor.

20 The county auditor shall register bonds so filed, and the county  
21 legislative authority at its next session at which it levies the annual  
22 county tax shall add to the city's or town's levy a sum sufficient to  
23 realize the amount of principal and interest past due and to become due  
24 prior to the next annual levy to be collected and held by the county  
25 treasurer and paid out only upon warrants drawn by the county auditor  
26 as the payments mature in favor of the owner of the bond as shown by  
27 the auditor's register. Similar levies shall be made in each  
28 succeeding year until the bonds and any coupons or interest payments  
29 are fully satisfied.

30 This remedy is alternative and in addition to any other remedy  
31 which the owner of such a bond or coupon may have.

32 **Sec. 2075.** RCW 35.38.050 and 1965 c 7 s 35.38.050 are each amended  
33 to read as follows:

34 The foregoing provisions of this chapter shall in no way affect the  
35 duty of a city or town treasurer to give bond to the city or town for

1 the faithful performance of his or her duties in such amount as may be  
2 fixed by the city or town council or other governing body by ordinance.

3 **Sec. 2076.** RCW 35.39.060 and 1982 c 166 s 1 are each amended to  
4 read as follows:

5 Any city or town now or hereafter operating an employees' pension  
6 system with the approval of the board otherwise responsible for  
7 management of its respective funds may invest, reinvest, manage,  
8 contract, sell, or exchange investments acquired. Investments shall be  
9 made in accordance with investment policy duly established and  
10 published by the board. In discharging its duties under this section,  
11 the board shall act with the care, skill, prudence, and diligence under  
12 the circumstances then prevailing that a prudent man or woman acting in  
13 a like capacity and familiar with such matters would use in the conduct  
14 of an enterprise of a like character and with like aims; shall  
15 diversify the investments of the employees' pension system so as to  
16 minimize the risk of large losses; and shall act in accordance with the  
17 documents and instruments governing the employees' pension system,  
18 insofar as such documents and instruments are consistent with the  
19 provisions of this title.

20 **Sec. 2077.** RCW 35.44.190 and 1985 c 397 s 9 are each amended to  
21 read as follows:

22 Whenever any assessment roll for local improvements has been  
23 confirmed by the council, the regularity, validity, and correctness of  
24 the proceedings relating to the improvement and to the assessment  
25 therefor, including the action of the council upon the assessment roll  
26 and the confirmation thereof shall be conclusive in all things upon all  
27 parties. They cannot in any manner be contested or questioned in any  
28 proceeding by any person unless he or she filed written objections to  
29 the assessment roll in the manner and within the time required by the  
30 provisions of this chapter and unless he or she prosecutes his or her  
31 appeal in the manner and within the time required by the provisions of  
32 this chapter.

33 No proceeding of any kind shall be commenced or prosecuted for the  
34 purpose of defeating or contesting any assessment or the sale of any  
35 property to pay an assessment or any certificate of delinquency issued  
36 therefor, or the foreclosure of any lien therefor, except that

1 injunction proceedings may be brought to prevent the sale of any real  
2 estate upon the ground (1) that the property about to be sold does not  
3 appear upon the assessment roll or, (2) that the assessment has been  
4 paid.

5 If federal, local, or state funds become available for a local  
6 improvement after the assessment roll has been confirmed by the city  
7 legislative authority, the funds may be used to lower the assessments  
8 on a uniform basis. Any adjustments to the assessments because of the  
9 availability of federal or state funds may be made on the next annual  
10 payment.

11 **Sec. 2078.** RCW 35.44.220 and 1971 ex.s. c 116 s 3 are each amended  
12 to read as follows:

13 At the time of filing the notice of appeal with the clerk of the  
14 superior court, the appellant shall execute and file with him or her a  
15 sufficient bond in the penal sum of two hundred dollars, with at least  
16 two sureties to be approved by the judge of the court, conditioned to  
17 prosecute the appeal without delay and, if unsuccessful, to pay all  
18 reasonable costs and expenses which the city or town incurs by reason  
19 of the appeal. Upon application therefor, the court may order the  
20 appellant to execute and file such additional bonds as the necessity of  
21 the case may require.

22 **Sec. 2079.** RCW 35.44.230 and 1971 c 81 s 90 are each amended to  
23 read as follows:

24 Within ten days from the filing of the notice of appeal, the  
25 appellant shall file with the clerk of the superior court a transcript  
26 consisting of the assessment roll and his or her objections thereto,  
27 together with the ordinance confirming the assessment roll and the  
28 record of the council with reference to the assessment. This  
29 transcript, upon payment of the necessary fees therefor, shall be  
30 furnished by the city or town clerk and shall be certified by him or  
31 her to contain full, true and correct copies of all matters and  
32 proceedings required to be included in the transcript. The fees  
33 payable therefor shall be the same as those payable to the clerk of the  
34 superior court for the preparation and certification of transcripts on  
35 appeal to the supreme court or the court of appeals in civil actions.

1           **Sec. 2080.** RCW 35.44.270 and 1988 c 202 s 37 are each amended to  
2 read as follows:

3           A certified copy of the decision of the superior court pertaining  
4 to assessments for local improvements shall be filed with the officer  
5 having custody of the assessment roll and he or she shall modify and  
6 correct the assessment roll in accordance with the decision. In the  
7 event appellate review of the decision is sought, a certified copy of  
8 the court's order shall be filed with the officer having custody of the  
9 assessment roll and the officer shall thereupon modify and correct the  
10 assessment roll in accordance with the order.

11           **Sec. 2081.** RCW 35.45.080 and 2002 c 41 s 3 are each amended to  
12 read as follows:

13           If a city or town fails to pay any bonds or to promptly collect any  
14 local improvement assessments when due, the owner of the bonds may  
15 proceed in his or her own name to collect the assessment and foreclose  
16 the lien thereof in any court of competent jurisdiction and shall  
17 recover in addition to the amount of the bond and interest thereon,  
18 five percent, together with the cost of suit. Any number of holders of  
19 bonds for any single improvement may join as plaintiffs and any number  
20 of owners of property upon which the assessments are liens may be  
21 joined as defendants in the same suit.

22           The owners of local improvement bonds issued by a city or town  
23 after the creation of a local improvement guaranty fund therein, shall  
24 also have recourse against the local improvement guaranty fund of such  
25 city or town unless the ordinance under which the bonds were issued  
26 provides that the bonds are not secured by the local improvement  
27 guaranty fund.

28           **Sec. 2082.** RCW 35.45.090 and 1965 c 7 s 35.45.090 are each amended  
29 to read as follows:

30           Any funds in the treasury of any municipal corporation belonging to  
31 the fund of any local improvement district after the payment of the  
32 whole cost and expense of such improvement, in excess of the total sum  
33 required to defray all the expenditures by such municipal corporation  
34 on account thereof, shall be refunded, on demand, to the payers into  
35 such fund. Each such payer shall be entitled to such proportion of  
36 such excess as his or her original assessment bears to the entire

1 original assessment levied for such improvement. Such municipal  
2 corporation may, after one year from the date on which the last  
3 installment becomes due, transfer any balance remaining on hand to the  
4 general fund of such municipal corporation, but shall, notwithstanding  
5 such transfer remain liable for the refund herein provided for until  
6 such refund shall have been made, unless the actual cost involved in  
7 making such refund shall exceed the excess in such fund.

8 Such demand shall be made in writing to the treasurer of such  
9 municipal corporation. No action shall be commenced in any court to  
10 obtain any such refund, except upon such demand, and until ninety days  
11 after making such demand. No excess shall be recovered in any action  
12 where the excess in the fund does not average the sum of one dollar in  
13 favor of all payers into such fund.

14 This section shall not be deemed to require the refunding of any  
15 balance left in any local improvement fund after the payment of all  
16 outstanding obligations issued against such fund, where such balance  
17 accrues from any saving in interest or from penalties collected upon  
18 delinquent assessments, but any such balance, whether accruing  
19 heretofore or hereafter, may be turned into the general fund or  
20 otherwise disposed of, as the legislative authority of the city may  
21 direct.

22 The provisions of this chapter relating to the refund of excess  
23 local improvement district funds shall not apply to any district whose  
24 obligations are guaranteed by the local improvement guaranty fund.

25 **Sec. 2083.** RCW 35.45.130 and 1981 c 323 s 3 are each amended to  
26 read as follows:

27 Every city and town may provide by ordinance for the issuance of  
28 warrants in payment of the cost and expense of any local improvement,  
29 payable out of the local improvement district fund. The warrants shall  
30 bear interest at a rate or rates established by the issuing officer  
31 under the direction of the legislative authority of the city or town  
32 and shall be redeemed either in cash or by local improvement bonds for  
33 the same improvement authorized by ordinance.

34 All warrants against any local improvement fund sold by the city or  
35 town or issued to a contractor and by him or her sold or hypothecated  
36 for a valuable consideration shall be claims and liens against the  
37 improvement fund against which they are drawn prior and superior to any

1 right, lien, or claim of any surety upon the bond or bonds given to the  
2 city or town by or for the contractor to secure the performance of his  
3 or her contract or to secure the payment of persons who have performed  
4 work thereon, furnished materials therefor, or provisions and supplies  
5 for the carrying on of the work.

6 **Sec. 2084.** RCW 35.45.150 and 1983 c 167 s 44 are each amended to  
7 read as follows:

8 In addition to the issuance of bonds and warrants in payment of the  
9 cost and expense of any local improvement, any city or town may also  
10 issue and sell installment notes payable out of the local improvement  
11 district fund. Such installment notes may be issued any time after the  
12 thirty day period allowed by law for the payment of assessments of any  
13 district without penalty or interest, and may bear any denomination or  
14 denominations, the aggregate of which shall represent the balance of  
15 the cost and expense of the local improvement district which is to be  
16 borne by the property owners therein.

17 Application of local improvement district funds for the reduction  
18 of the principal and interest amounts due on any notes herein provided  
19 to finance said improvement shall be made not less than once each year  
20 beginning with the issue date thereof. Appropriate notification of  
21 such application of funds shall be made by the city or town treasurer  
22 to the registered payees of said notes, except those notes owned by  
23 funds of the issuing municipality. Such notes may be registered as  
24 provided in RCW 39.46.030. If more than one local improvement  
25 installment note is issued for a single district, said notes shall be  
26 numbered consecutively. All notes issued shall bear on the face  
27 thereof: (1) The name of the payee; (2) the number of the local  
28 improvement district from whose funds the notes are payable; (3) the  
29 date of issue of each note; (4) the date on which the note, or the  
30 final installment thereon shall become due; (5) the rate or rates of  
31 interest, as provided by the city or town legislative authority, to be  
32 paid on the unpaid balance thereof, and; (6) such manual or facsimile  
33 signatures and attestations as are required by state statute or city  
34 charter to appear on the warrants of each issuing municipality.

35 The reverse side of each installment note issued pursuant to this  
36 section shall bear a tabular payment record which shall indicate at  
37 prescribed installment dates, the receipt of any local improvement

1 district funds for the purpose of servicing the debt evidenced by said  
2 notes. Such receipts shall first be applied toward the interest due on  
3 the unpaid balance of the note, and any additional moneys shall  
4 thereafter apply as a reduction of the principal amount thereof. The  
5 tabular payment record shall, in addition to the above, show the unpaid  
6 principal balance due on each installment note, together with  
7 sufficient space opposite each transaction affecting said note for the  
8 manual signature of the city's or town's clerk, treasurer or other  
9 properly designated receiving officer of the municipality, or of any  
10 other registered payee presenting said note for such installment  
11 payments.

12 Whenever there are insufficient funds in a local improvement  
13 district to meet any payment of installment interest due on any note  
14 herein authorized, a noninterest-bearing defaulted installment interest  
15 certificate shall be issued by the city or town treasurer which shall  
16 consist of a written statement certifying the amount of such defaulted  
17 interest installment; the name of the payee of the note to whom the  
18 interest is due and the number of the local improvement district from  
19 whose funds the note and interest thereon is payable. Such  
20 certificates may be registered as provided in RCW 39.46.030. The  
21 certificate herein provided shall bear the manual signature of the city  
22 or town treasurer or his or her authorized agent. The defaulted  
23 installment interest certificate so issued shall be redeemed for the  
24 face amount thereof with any available funds in the local improvement  
25 guaranty fund.

26 Whenever at the date of maturity of any installment note issued  
27 pursuant to this section, there are insufficient funds in a local  
28 improvement district, due to delinquencies in the collection of  
29 assessments, to pay the final installment of the principal due thereon,  
30 the note shall be redeemed with any available funds in the local  
31 improvement guaranty fund for the amount of said final installment.

32 All certificates and notes issued pursuant to this section are to  
33 become subject to the same redemption privileges as apply to any local  
34 improvement district bonds and warrants now accorded the protection of  
35 the local improvement guaranty fund as provided in chapter 35.54 RCW,  
36 and whenever the certificates or notes issued as herein provided are  
37 redeemed by said local improvement guaranty fund, they shall be held

1 therein as investments thereof in the same manner as prescribed for  
2 other defaulted local improvement district obligations.

3 Notwithstanding any other statutory provisions, local improvement  
4 installment notes authorized by this section which are within the  
5 protection of the local improvement guaranty fund law shall be  
6 considered legal investments for any available surplus funds of the  
7 issuing municipality which now or hereafter may be authorized to be  
8 invested in the city's or town's local improvement districts' bonds or  
9 warrants and shall be considered legal investments for all national and  
10 state banks, savings and loan institutions, and any and all other  
11 commercial banking or financial institutions to the same extent that  
12 the local improvement district bonds and any coupons issued pursuant to  
13 the provisions of this chapter have been and are legal investments for  
14 such institutions. Any such local improvement installment notes may be  
15 transferred or sold by said city or town upon such terms or conditions  
16 and in such manner as the local governing body of said city or town may  
17 determine, or may be issued to another fund of the city or town:  
18 PROVIDED, HOWEVER, That the same shall not be sold at less than par  
19 plus accrued interest.

20 Notwithstanding the provisions of this section, such notes and  
21 certificates may be issued, and such notes may be sold, in accordance  
22 with chapter 39.46 RCW.

23 **Sec. 2085.** RCW 35.49.010 and 1972 ex.s. c 137 s 1 are each amended  
24 to read as follows:

25 All assessments for local improvements in local improvement  
26 districts shall be collected by the city treasurer and shall be kept in  
27 a separate fund to be known as "local improvement fund, district No.  
28 . . . ." and shall be used for no other purpose than the redemption of  
29 warrants drawn upon and bonds issued against the fund to provide  
30 payment for the cost and expense of the improvement.

31 All assessments for local improvements in a utility local  
32 improvement district shall be collected by the city treasurer, shall be  
33 paid into the appropriate revenue bond fund, and shall be used for no  
34 other purpose than the redemption of revenue bonds issued to provide  
35 funds for the cost and expense of the improvement.

36 As soon as the assessment roll has been placed in the hands of the  
37 city or town treasurer for collection, he or she shall publish a notice

1 in the official newspaper of the city or town once a week for two  
2 consecutive weeks, that the roll is in his or her hands for collection  
3 and that all or any portion of the assessment may be paid within thirty  
4 days from the date of the first publication of the notice without  
5 penalty, interest or costs.

6 Within fifteen days of the first newspaper publication, the city or  
7 town treasurer shall notify each owner or reputed owner whose name  
8 appears on the assessment roll, at the address shown on the tax rolls  
9 of the county treasurer for each item of property described on the  
10 list, of the nature of the assessment, of the amount of his or her real  
11 property subject to such assessment, of the total amount of assessment  
12 due, and of the time during which such assessment may be paid without  
13 penalty, interest, or costs.

14 **Sec. 2086.** RCW 35.49.040 and 1965 c 7 s 35.49.040 are each amended  
15 to read as follows:

16 The owner of any lot, tract, or parcel of land or other property  
17 charged with local improvement assessment may redeem it from all or any  
18 portion thereof by paying to the city or town treasurer all or any  
19 portion thereof without interest within thirty days after the first  
20 publication by the treasurer of notice that the assessment roll is in  
21 his or her hands for collection.

22 **Sec. 2087.** RCW 35.49.090 and 1965 c 7 s 35.49.090 are each amended  
23 to read as follows:

24 If any assessment for a local improvement, or an installment  
25 thereof, or judgment for either of them is paid, or a certificate of  
26 sale for either of them is redeemed by a joint owner of any of the  
27 property so assessed, he or she may, after demand and refusal, recover  
28 from his or her co-owners, by an action brought in superior court, the  
29 respective portions of the payment which each co-owner should bear. He  
30 or she shall have a lien upon the undivided interests of his or her co-  
31 owners from the date of the payment made by him or her and in the  
32 action shall recover interest at ten percent from the date of payment  
33 by him or her and the costs of the action in addition to the principal  
34 sum due him or her.



1 stated in the written complaint, a copy of which is served upon you  
2 with this summons. The purpose of this suit is to foreclose on your  
3 interest in the following described property:

4 [legal description]

5 which is located at:

6 [street address]

7 In order to defend against this lawsuit, you must respond to the  
8 complaint by stating your defense in writing, and by serving a copy  
9 upon the person signing this summons within ((20)) twenty days after  
10 the service of this summons, excluding the day of service, or a default  
11 judgment may be entered against you without notice. A default judgment  
12 is one where plaintiff is entitled to what he or she asks for because  
13 you have not responded. If you serve a notice of appearance on the  
14 undersigned person, you are entitled to notice before a default  
15 judgment may be entered.

16 IMPORTANT NOTICE

17 If judgment is taken against you, either by default or after  
18 hearing by the court, your property will be sold at public auction.

19 You may prevent the sale by paying the amount of the judgment at  
20 any time prior to the sale.

21 If your property is sold, you may redeem the property at any time  
22 up to two years after the date of the sale, by paying the amount for  
23 which the property was sold, plus interest and costs of the sale.

24 If you wish to seek the advice of an attorney in this matter, you  
25 should do so promptly so that your written response, if any, may be  
26 served on time.

27 [signed] .....

28 .....

29 Print or Type Name

30 ( ) Plaintiff ( ) Plaintiff's

31 Attorney

32 P.O. Address .....

33 Dated ..... Telephone Number .....

34 **Sec. 2091.** RCW 35.53.070 and 1967 c 52 s 23 are each amended to  
35 read as follows:

1 In such an action the court after acquiring jurisdiction shall  
2 proceed as in the case of a receivership except that the city or town  
3 shall serve as trustee in lieu of a receiver.

4 The assets of the improvement districts involved shall be sold at  
5 such prices and in such manner as the court may deem advisable and be  
6 applied to the costs and expenses of the action and the liquidation of  
7 the bonds and warrants of the districts or revenue bonds to which  
8 utility local improvement assessments are pledged to pay.

9 No notice to present claims other than the summons in the action  
10 shall be necessary. Any claim presented shall be accompanied by the  
11 bonds and warrants upon which it is based. Dividends upon any bonds or  
12 warrants for which no claim was filed shall be paid into the general  
13 fund of the city or town, but the owner thereof may obtain it at any  
14 time within five years thereafter upon surrender and cancellation of  
15 his or her bonds and warrants.

16 Upon the termination of the receivership the city or town shall be  
17 discharged from all trusts relating to the property, funds, bonds, and  
18 warrants involved in the action.

19 **Sec. 2092.** RCW 35.54.100 and 1972 ex.s. c 137 s 3 are each amended  
20 to read as follows:

21 Whenever payment of a local improvement district assessment is  
22 deferred pursuant to the provisions of RCW 35.43.250 the amount of the  
23 deferred assessment shall be paid out of the local improvement guaranty  
24 fund. The local improvement guaranty fund shall have a lien on the  
25 benefited property in an amount equal to the deferral together with  
26 interest as provided for by the establishing ordinance.

27 The lien may accumulate up to an amount not to exceed the sum of  
28 two installments: PROVIDED, That the ordinance creating the local  
29 improvement district may provide for one or additional deferrals of up  
30 to two installments. Local improvement assessment obligations deferred  
31 under chapter 137, Laws of 1972 ex. sess. shall become payable upon the  
32 earliest of the following dates:

33 (1) Upon the date and pursuant to conditions established by the  
34 political subdivision granting the deferral; or

35 (2) Upon the sale of property which has a deferred assessment lien  
36 upon it from the purchase price; or

1 (3) Upon the death of the person to whom the deferral was granted  
2 from the value of his or her estate; except a surviving spouse shall be  
3 allowed to continue the deferral which shall then be payable by that  
4 spouse as provided in this section.

5 **Sec. 2093.** RCW 35.55.070 and 1965 c 7 s 35.55.070 are each amended  
6 to read as follows:

7 When such assessment roll has been prepared it shall be filed in  
8 the office of the city clerk and thereupon the city clerk shall give  
9 notice by publication in at least three issues of the official paper  
10 that such roll is on file in his or her office and that at a date  
11 mentioned in said notice, which shall be at least twenty days after the  
12 date of the first publication thereof, the city council will sit as a  
13 board of equalization to equalize said roll and to hear, consider and  
14 determine protests and objections against the same.

15 At the time specified in the notice, the city council shall sit as  
16 a board of equalization to equalize the roll and they may adjourn the  
17 sitting from time to time until the equalization of such roll is  
18 completed. The city council as board of equalization may hear,  
19 consider and determine objections and protests against any assessment  
20 and may make such alterations and modifications in the assessment roll  
21 as justice and equity may require.

22 **Sec. 2094.** RCW 35.56.040 and 1965 c 7 s 35.56.040 are each amended  
23 to read as follows:

24 Upon the introduction of an ordinance providing for such fill, if  
25 the city council or commission desires to proceed, it shall fix a time,  
26 not less than ten days, in which protests against said fill may be  
27 filed in the office of the city clerk. Thereupon it shall be the duty  
28 of the clerk of said city to publish in the official newspaper of said  
29 city in at least two consecutive issues thereof before the time fixed  
30 for the filing of protests, a notice of the time fixed for the filing  
31 of protests together with a copy of the proposed ordinance as  
32 introduced.

33 Protests against the proposed fill to be effective must be filed by  
34 the owners of more than half of the area of land situated within the  
35 proposed filling district exclusive of streets, alleys and public  
36 places on or before the date fixed for such filing. If an effective

1 protest is filed the council shall not proceed further unless two-  
2 thirds of the members of the city council vote to proceed with the  
3 work; if the city is operating under a commission form of government  
4 composed of three commissioners, the commission shall not proceed  
5 further except by a unanimous affirmative vote of all the members  
6 thereof, if the commission is composed of five members, at least four  
7 affirmative votes thereof shall be necessary before proceeding.

8 If no effective protest is filed or if an effective protest is  
9 filed and two-thirds of the (~~councilmen~~) councilmembers vote to  
10 proceed with the work or in cases where cities are operating under the  
11 commission form of government, the commissioners vote unanimously or  
12 four out of five commissioners vote to proceed with the work, the city  
13 council or commission shall at such meeting or in a succeeding meeting  
14 proceed to pass the proposed ordinance for the work, with such  
15 amendments and modifications as to the said city council or commission  
16 of said city may seem proper. The local improvement district shall be  
17 called "filling district No. . . . ."

18 **Sec. 2095.** RCW 35.56.080 and 1965 c 7 s 35.56.080 are each amended  
19 to read as follows:

20 When such assessment roll has been prepared it shall be filed in  
21 the office of the city clerk and thereupon the city clerk shall give  
22 notice by publication in at least three issues of the official paper  
23 that such roll is on file in his or her office and on a date mentioned  
24 in said notice, which shall be at least twenty days after the date of  
25 the first publication thereof, the city council or commission will sit  
26 as a board of equalization to equalize said roll and to hear, consider  
27 and determine protests and objections against the same.

28 At the time specified in the notice, the city council or commission  
29 shall sit as a board of equalization to equalize the roll and they may  
30 adjourn the sitting from time to time until the equalization of such  
31 roll is completed. The city council or commission as such board of  
32 equalization may hear, consider and determine objections and protests  
33 against any assessment and make such alterations and modifications in  
34 the assessment roll as justice and equity may require.

35 **Sec. 2096.** RCW 35.56.140 and 1965 c 7 s 35.56.140 are each amended  
36 to read as follows:

1 The city may guarantee the payment of the whole or any part of the  
2 bonds issued against a local improvement district, but the guaranties  
3 on the part of the city shall be made only by ordinance passed by the  
4 vote of not less than two-thirds of the (~~councilmen~~) councilmembers  
5 and the approval of the mayor, or three commissioners in case the  
6 governing body consist of three commissioners, or four where such city  
7 is governed by five commissioners.

8 **Sec. 2097.** RCW 35.58.070 and 1965 c 7 s 35.58.070 are each amended  
9 to read as follows:

10 A metropolitan municipal corporation may be created by vote of the  
11 qualified electors residing in a metropolitan area in the manner  
12 provided in this chapter. An election to authorize the creation of a  
13 metropolitan municipal corporation may be called pursuant to resolution  
14 or petition in the following manner:

15 (1) A resolution or concurring resolutions calling for such an  
16 election may be adopted by either:

17 (a) The city council of a central city; or

18 (b) The city councils of two or more component cities other than a  
19 central city; or

20 (c) The board of commissioners of a central county.

21 A certified copy of such resolution or certified copies of such  
22 concurring resolutions shall be transmitted to the board of  
23 commissioners of the central county.

24 (2) A petition calling for such an election shall be signed by at  
25 least four percent of the qualified voters residing within the  
26 metropolitan area and shall be filed with the auditor of the central  
27 county.

28 Any resolution or petition calling for such an election shall  
29 describe the boundaries of the proposed metropolitan area, name the  
30 metropolitan function or functions which the metropolitan municipal  
31 corporation shall be authorized to perform initially and state that the  
32 formation of the metropolitan municipal corporation will be conducive  
33 to the welfare and benefit of the persons and property within the  
34 metropolitan area. After the filing of a first sufficient petition or  
35 resolution with such county auditor or board of county commissioners  
36 respectively, action by such auditor or board shall be deferred on any

1 subsequent petition or resolution until after the election has been  
2 held pursuant to such first petition or resolution.

3 Upon receipt of such a petition, the auditor shall examine the same  
4 and certify to the sufficiency of the signatures thereon. For the  
5 purpose of examining the signatures on such petition, the auditor shall  
6 be permitted access to the voter registration books of each component  
7 county and each component city. No person may withdraw his or her name  
8 from a petition after it has been filed with the auditor. Within  
9 thirty days following the receipt of such petition, the auditor shall  
10 transmit the same to the board of commissioners of the central county,  
11 together with his or her certificate as to the sufficiency thereof.

12 **Sec. 2098.** RCW 35.58.100 and 1967 c 105 s 2 are each amended to  
13 read as follows:

14 A metropolitan municipal corporation may be authorized to perform  
15 one or more metropolitan functions in addition to those which it has  
16 previously been authorized to perform, with the approval of the voters  
17 at an election, in the manner provided in this section.

18 An election to authorize a metropolitan municipal corporation to  
19 perform one or more additional metropolitan functions may be called  
20 pursuant to a resolution or a petition in the following manner:

21 (1) A resolution calling for such an election may be adopted by:

22 (a) The city council of the central city; or

23 (b) The city councils of at least one-half in number of the  
24 component cities other than the central city; or

25 (c) The board of commissioners of the central county. Such  
26 resolution shall be transmitted to the metropolitan council.

27 (2) A petition calling for such an election shall be signed by at  
28 least four percent of the registered voters residing within the  
29 metropolitan area and shall be filed with the auditor of the central  
30 county.

31 Any resolution or petition calling for such an election shall name  
32 the additional metropolitan functions which the metropolitan municipal  
33 corporation shall be authorized to perform.

34 Upon receipt of such a petition, the auditor shall examine the  
35 signatures thereon and certify to the sufficiency thereof. For the  
36 purpose of examining the signatures on such petition, the auditor shall  
37 be permitted access to all voter registration books of any component

1 county and of all component cities. No person may withdraw his or her  
2 name from a petition after it has been filed with the auditor. Within  
3 thirty days following the receipt of such petition, the auditor shall  
4 transmit the same to the metropolitan council, together with his or her  
5 certificate as to the sufficiency of signatures thereon.

6 Upon receipt of a valid resolution or duly certified petition  
7 calling for an election on the authorization of the performance of one  
8 or more additional metropolitan functions, the metropolitan council  
9 shall cause to be called a special election to be held not more than  
10 one hundred and twenty days nor less than sixty days following such  
11 receipt. Such special election shall be conducted and canvassed as  
12 provided in this chapter for an election on the question of forming a  
13 metropolitan municipal corporation. The ballot proposition shall be in  
14 substantially the following form:

15 "Shall the . . . . . metropolitan municipal corporation be  
16 authorized to perform the additional metropolitan functions of  
17 . . . . . (here insert the title of each of the additional  
18 functions to be authorized as set forth in the petition or  
19 resolution)?

20 YES . . . . .   
21 NO . . . . .  "

22 If a majority of the persons voting on the proposition shall vote in  
23 favor thereof, the metropolitan municipal corporation shall be  
24 authorized to perform such additional metropolitan function or  
25 functions.

26 **Sec. 2099.** RCW 35.58.130 and 1965 c 7 s 35.58.130 are each amended  
27 to read as follows:

28 At the first meeting of the metropolitan council following the  
29 formation of a metropolitan municipal corporation, the mayor of the  
30 central city shall serve as temporary (~~(chairman)~~) chair. As its first  
31 official act the council shall elect a (~~(chairman)~~) chair. The  
32 (~~(chairman)~~) chair shall be a voting member of the council and shall  
33 preside at all meetings. In the event of his or her absence or  
34 inability to act the council shall select one of its members to act as  
35 (~~(chairman)~~) chair pro tempore. A majority of all members of the  
36 council shall constitute a quorum for the transaction of business. A

1 smaller number of councilmembers than a quorum may adjourn from time to  
2 time and may compel the attendance of absent members in such manner and  
3 under such penalties as the council may provide. The council shall  
4 determine its own rules and order of business, shall provide by  
5 resolution for the manner and time of holding all regular and special  
6 meetings and shall keep a journal of its proceedings which shall be a  
7 public record. Every legislative act of the council of a general or  
8 permanent nature shall be by resolution.

9 **Sec. 2100.** RCW 35.58.140 and 1971 ex.s. c 303 s 6 are each amended  
10 to read as follows:

11 Each member of a metropolitan council except those selected under  
12 the provisions of RCW 35.58.120 (~~((1)(a), (5), (7), and (8))~~), shall  
13 hold office at the pleasure of the body which selected him or her.  
14 Each member, who shall hold office ex officio, may not hold office  
15 after he or she ceases to hold the position of elected county  
16 executive, mayor, commissioner, or (~~(councilman))~~ councilmember. The  
17 (~~(chairman))~~ chair shall hold office until the second Tuesday in July  
18 of each even-numbered year and may, if reelected, serve more than one  
19 term. Each member shall hold office until his or her successor has  
20 been selected as provided in this chapter.

21 **Sec. 2101.** RCW 35.58.150 and 1984 c 44 s 1 are each amended to  
22 read as follows:

23 A vacancy in the office of a member of the metropolitan council  
24 shall be filled in the same manner as provided for the original  
25 selection. The meeting of mayors to fill a vacancy of the member  
26 selected under the provisions of RCW 35.58.120(~~((4))~~) or of special  
27 district representatives to fill a vacancy of a member selected under  
28 RCW 35.58.120(~~((7))~~) shall be held at such time and place as shall be  
29 designated by the (~~(chairman))~~ chair of the metropolitan council after  
30 ten days' written notice mailed to the mayors of each of the cities  
31 specified in RCW 35.58.120(~~((4))~~) or to the representatives of the  
32 special purpose districts specified in RCW 35.58.120(~~((7))~~), whichever  
33 is applicable.

34 **Sec. 2102.** RCW 35.58.160 and 1985 c 330 s 1 are each amended to  
35 read as follows:

1       The ((~~chairman~~)) chair and committee ((~~chairmen~~)) chairs of the  
2 metropolitan council except elected public officials serving on a full-  
3 time salaried basis may receive such compensation as the other members  
4 of the metropolitan council shall provide. Members of the council  
5 other than the ((~~chairman~~)) chair and committee ((~~chairmen~~)) chairs  
6 shall receive compensation of fifty dollars per day or portion thereof  
7 for attendance at metropolitan council or committee meetings, or for  
8 performing other services on behalf of the metropolitan municipal  
9 corporation, but not exceeding a total of four thousand eight hundred  
10 dollars in any year, in addition to any compensation which they may  
11 receive as officers of component cities or counties: PROVIDED, That  
12 elected public officers serving in such capacities on a full-time basis  
13 shall not receive compensation for attendance at metropolitan, council,  
14 or committee meetings, or otherwise performing services on behalf of  
15 the metropolitan municipal corporation: PROVIDED FURTHER, That  
16 committee ((~~chairmen~~)) chairs shall not receive compensation in any one  
17 year greater than one-third of the compensation authorized for the  
18 county commissioners or county ((~~councilmen~~)) councilmembers of the  
19 central county.

20       Any member of the council may waive all or any portion of his or  
21 her compensation payable under this section as to any month or months  
22 during his or her term of office, by a written waiver filed with the  
23 council as provided in this section. The waiver, to be effective, must  
24 be filed any time after the member's selection and prior to the date on  
25 which the compensation would otherwise be paid. The waiver shall  
26 specify the month or period of months for which it is made.

27       All members of the council shall be reimbursed for expenses  
28 actually incurred by them in the conduct of official business for the  
29 metropolitan municipal corporation.

30       **Sec. 2103.** RCW 35.58.210 and 1999 c 153 s 33 are each amended to  
31 read as follows:

32       If a metropolitan municipal corporation shall be authorized to  
33 perform the function of metropolitan water pollution abatement, the  
34 metropolitan council shall, prior to the effective date of the  
35 assumption of such function, cause a metropolitan water pollution  
36 abatement advisory committee to be formed by notifying the legislative  
37 body of each component city and county which operates a sewer system to

1 appoint one person to serve on such advisory committee and the board of  
2 commissioners of each water-sewer district which operates a sewer  
3 system, any portion of which lies within the metropolitan area, to  
4 appoint one person to serve on such committee who shall be a  
5 commissioner of such a water-sewer district. The metropolitan water  
6 pollution abatement advisory committee shall meet at the time and place  
7 provided in the notice and elect a ((~~chairman~~)) chair. The members of  
8 such committee shall serve at the pleasure of the appointing bodies and  
9 shall receive no compensation other than reimbursement for expenses  
10 actually incurred in the performance of their duties. The function of  
11 such advisory committee shall be to advise the metropolitan council in  
12 matters relating to the performance of the water pollution abatement  
13 function.

14 **Sec. 2104.** RCW 35.58.230 and 1999 c 153 s 35 are each amended to  
15 read as follows:

16 If a metropolitan municipal corporation shall be authorized to  
17 perform the function of metropolitan water supply, the metropolitan  
18 council shall, prior to the effective date of the assumption of such  
19 function, cause a metropolitan water advisory committee to be formed by  
20 notifying the legislative body of each component city which operates a  
21 water system to appoint one person to serve on such advisory committee  
22 and the board of commissioners of each water-sewer district that  
23 operates a water system, any portion of which lies within the  
24 metropolitan area, to appoint one person to serve on such committee who  
25 shall be a water-sewer district commissioner. The metropolitan water  
26 advisory committee shall meet at the time and place provided in the  
27 notice and elect a ((~~chairman~~)) chair. The members of such committee  
28 shall serve at the pleasure of the appointing bodies and shall receive  
29 no compensation other than reimbursement for expenses actually incurred  
30 in the performance of their duties. The function of such advisory  
31 committee shall be to advise the metropolitan council with respect to  
32 matters relating to the performance of the water supply function.

33 The requirement to create a metropolitan water advisory committee  
34 shall not apply to a county that has assumed the rights, powers,  
35 functions, and obligations of the metropolitan municipal corporation  
36 under chapter 36.56 RCW.

1       **Sec. 2105.** RCW 35.58.265 and 1965 c 91 s 1 are each amended to  
2 read as follows:

3       If a metropolitan municipal corporation shall perform the  
4 metropolitan transportation function and shall acquire any existing  
5 transportation system, it shall assume and observe all existing labor  
6 contracts relating to such system and, to the extent necessary for  
7 operation of facilities, all of the employees of such acquired  
8 transportation system whose duties are necessary to operate efficiently  
9 the facilities acquired shall be appointed to comparable positions to  
10 those which they held at the time of such transfer, and no employee or  
11 retired or pensioned employee of such systems shall be placed in any  
12 worse position with respect to pension seniority, wages, sick leave,  
13 vacation or other benefits that he or she enjoyed as an employee of  
14 such system prior to such acquisition. The metropolitan municipal  
15 corporation shall engage in collective bargaining with the duly  
16 appointed representatives of any employee labor organization having  
17 existing contracts with the acquired transportation system and may  
18 enter into labor contracts with such employee labor organization.

19       **Sec. 2106.** RCW 35.58.270 and 1993 c 240 s 6 are each amended to  
20 read as follows:

21       If a metropolitan municipal corporation shall be authorized to  
22 perform the function of metropolitan transportation with a commission  
23 form of management, a metropolitan transit commission shall be formed  
24 prior to the effective date of the assumption of such function. Except  
25 as provided in this section, the metropolitan transit commission shall  
26 exercise all powers of the metropolitan municipal corporation with  
27 respect to metropolitan transportation facilities, including but not  
28 limited to the power to construct, acquire, maintain, operate, extend,  
29 alter, repair, control and manage a local public transportation system  
30 within and without the metropolitan area, to establish new passenger  
31 transportation services and to alter, curtail, or abolish any services  
32 as the commission may deem desirable and to fix tolls and fares.

33       The comprehensive plan for public transportation service and any  
34 amendments thereof shall be adopted by the metropolitan council and the  
35 metropolitan transit commission shall provide transportation facilities  
36 and service consistent with such plan. The metropolitan transit  
37 commission shall authorize expenditures for transportation purposes

1 within the budget adopted by the metropolitan council. Tolls and fares  
2 may be fixed or altered by the commission only after approval thereof  
3 by the metropolitan council. Bonds of the metropolitan municipal  
4 corporation for public transportation purposes shall be issued by the  
5 metropolitan council as provided in this chapter.

6 The metropolitan transit commission shall consist of seven members.  
7 Six of such members shall be appointed by the metropolitan council and  
8 the seventh member shall be the (~~chairman~~) chair of the metropolitan  
9 council who shall be ex officio the (~~chairman~~) chair of the  
10 metropolitan transit commission. Three of the six appointed members of  
11 the commission shall be residents of the central city and three shall  
12 be residents of the metropolitan area outside of the central city. The  
13 three central city members of the first metropolitan transit commission  
14 shall be selected from the existing transit commission of the central  
15 city, if there be a transit commission in such city. The terms of  
16 first appointees shall be for one, two, three, four, five and six  
17 years, respectively. Thereafter, commissioners shall serve for a term  
18 of four years. Compensation of transit commissioners shall be  
19 determined by the metropolitan council.

20 The requirement to create a metropolitan transit commission shall  
21 not apply to a county that has assumed the rights, powers, functions,  
22 and obligations of the metropolitan municipal corporation under chapter  
23 36.56 RCW.

24 **Sec. 2107.** RCW 35.58.370 and 1965 c 7 s 35.58.370 are each amended  
25 to read as follows:

26 The metropolitan council shall establish and provide for the  
27 operation and maintenance of a personnel merit system for the  
28 employment, classification, promotion, demotion, suspension, transfer,  
29 layoff and discharge of its appointive officers and employees solely on  
30 the basis of merit and fitness without regard to political influence or  
31 affiliation. The person appointed or body created for the purpose of  
32 administering such personnel system shall have power to make, amend and  
33 repeal rules and regulations as are deemed necessary for such merit  
34 system. Such rules and regulations shall provide:

35 (1) That the person to be discharged or demoted must be presented  
36 with the reasons for such discharge or demotion specifically stated;  
37 and

1 (2) That he or she shall be allowed a reasonable time in which to  
2 reply thereto in writing and that he or she be given a hearing thereon  
3 within a reasonable time.

4 **Sec. 2108.** RCW 35.58.390 and 1965 c 7 s 35.58.390 are each amended  
5 to read as follows:

6 Where a metropolitan municipal corporation employs a person  
7 employed immediately prior thereto by a component city or county, or by  
8 a special district, such employee shall be deemed to remain an employee  
9 of such city, county, or special district for the purposes of any  
10 pension plan of such city, county, or special district, and shall  
11 continue to be entitled to all rights and benefits thereunder as if he  
12 or she had remained as an employee of the city, county, or special  
13 district, until the metropolitan municipal corporation has provided a  
14 pension plan and such employee has elected, in writing, to participate  
15 therein.

16 Until such election, the metropolitan municipal corporation shall  
17 deduct from the remuneration of such employee the amount which such  
18 employee is or may be required to pay in accordance with the provisions  
19 of the plan of such city, county, or special district and the  
20 metropolitan municipal corporation shall pay to the city, county, or  
21 special district any amounts required to be paid under the provisions  
22 of such plan by employer or employee.

23 **Sec. 2109.** RCW 35.58.400 and 1965 c 7 s 35.58.400 are each amended  
24 to read as follows:

25 Where a metropolitan municipal corporation employs a person  
26 employed immediately prior thereto by a component city or county or by  
27 a special district, the employee shall be deemed to remain an employee  
28 of such city, county, or special district for the purposes of any sick  
29 leave credit plan of the component city, county, or special district  
30 until the metropolitan municipal corporation has established a sick  
31 leave credit plan for its employees, whereupon the metropolitan  
32 municipal corporation shall place to the credit of the employee the  
33 sick leave credits standing to his or her credit in the plan of such  
34 city, county, or special district.

35 Where a metropolitan municipal corporation employs a person  
36 theretofore employed by a component city, county, or by a special

1 district, the metropolitan municipal corporation shall, during the  
2 first year of his or\_her employment by the metropolitan municipal  
3 corporation, provide for such employee a vacation with pay equivalent  
4 to that which he or\_she would have been entitled if he or\_she had  
5 remained in the employment of the city, county, or special district.

6 **Sec. 2110.** RCW 35.58.460 and 1993 c 240 s 14 are each amended to  
7 read as follows:

8 (1) A metropolitan municipal corporation may issue revenue bonds to  
9 provide funds to carry out its authorized metropolitan water pollution  
10 abatement, water supply, garbage disposal or transportation purposes,  
11 without submitting the matter to the voters of the metropolitan  
12 municipal corporation. The metropolitan council shall create a special  
13 fund or funds for the sole purpose of paying the principal of and  
14 interest on the bonds of each such issue, into which fund or funds the  
15 metropolitan council may obligate the metropolitan municipal  
16 corporation to pay such amounts of the gross revenue of the particular  
17 utility constructed, acquired, improved, added to, or repaired out of  
18 the proceeds of sale of such bonds, as the metropolitan council shall  
19 determine and may obligate the metropolitan municipal corporation to  
20 pay such amounts out of otherwise unpledged revenue which may be  
21 derived from the ownership, use or operation of properties or  
22 facilities owned, used or operated incident to the performance of the  
23 authorized function for which such bonds are issued or out of otherwise  
24 unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes  
25 or other sources of payment lawfully authorized for such purpose, as  
26 the metropolitan council shall determine. The principal of, and  
27 interest on, such bonds shall be payable only out of such special fund  
28 or funds, and the owners of such bonds shall have a lien and charge  
29 against the gross revenue of such utility or any other revenue, fees,  
30 tolls, charges, tariffs, fares, special taxes or other authorized  
31 sources pledged to the payment of such bonds.

32 Such revenue bonds and the interest thereon issued against such  
33 fund or funds shall be a valid claim of the owners thereof only as  
34 against such fund or funds and the revenue pledged therefor, and shall  
35 not constitute a general indebtedness of the metropolitan municipal  
36 corporation.

1 Each such revenue bond shall state upon its face that it is payable  
2 from such special fund or funds, and all revenue bonds issued under  
3 this chapter shall be negotiable securities within the provisions of  
4 the law of this state. Such revenue bonds may be registered either as  
5 to principal only or as to principal and interest as provided in RCW  
6 39.46.030, or may be bearer bonds; shall be in such denominations as  
7 the metropolitan council shall deem proper; shall be payable at such  
8 time or times and at such places as shall be determined by the  
9 metropolitan council; shall bear interest at such rate or rates as  
10 shall be determined by the metropolitan council; shall be signed by the  
11 ((~~chairman~~)) chair and attested by the secretary of the metropolitan  
12 council, any of which signatures may be facsimile signatures, and the  
13 seal of the metropolitan municipal corporation shall be impressed or  
14 imprinted thereon; any attached interest coupons shall be signed by the  
15 facsimile signatures of said officials.

16 Such revenue bonds shall be sold in such manner, at such price and  
17 at such rate or rates of interest as the metropolitan council shall  
18 deem to be for the best interests of the metropolitan municipal  
19 corporation, either at public or private sale.

20 The metropolitan council may at the time of the issuance of such  
21 revenue bonds make such covenants with the owners of said bonds as it  
22 may deem necessary to secure and guarantee the payment of the principal  
23 thereof and the interest thereon, including but not being limited to  
24 covenants to set aside adequate reserves to secure or guarantee the  
25 payment of such principal and interest, to maintain rates sufficient to  
26 pay such principal and interest and to maintain adequate coverage over  
27 debt service, to appoint a trustee or trustees for the bond owners to  
28 safeguard the expenditure of the proceeds of sale of such bonds and to  
29 fix the powers and duties of such trustee or trustees and to make such  
30 other covenants as the metropolitan council may deem necessary to  
31 accomplish the most advantageous sale of such bonds. The metropolitan  
32 council may also provide that revenue bonds payable out of the same  
33 source may later be issued on a parity with revenue bonds being issued  
34 and sold.

35 The metropolitan council may include in the principal amount of any  
36 such revenue bond issue an amount to establish necessary reserves, an  
37 amount for working capital and an amount necessary for interest during  
38 the period of construction of any such metropolitan facilities plus six

1 months. The metropolitan council may, if it deems it to the best  
2 interest of the metropolitan municipal corporation, provide in any  
3 contract for the construction or acquisition of any metropolitan  
4 facilities or additions or improvements thereto or replacements or  
5 extensions thereof that payment therefor shall be made only in such  
6 revenue bonds at the par value thereof.

7 If the metropolitan municipal corporation shall fail to carry out  
8 or perform any of its obligations or covenants made in the  
9 authorization, issuance and sale of such bonds, the owner of any such  
10 bond may bring action against the metropolitan municipal corporation  
11 and compel the performance of any or all of such covenants.

12 (2) Notwithstanding subsection (1) of this section, such bonds may  
13 be issued and sold in accordance with chapter 39.46 RCW.

14 **Sec. 2111.** RCW 35.58.530 and 1993 c 240 s 18 are each amended to  
15 read as follows:

16 Territory located within a component county that is annexed to a  
17 component city after the establishment of a metropolitan municipal  
18 corporation shall by such act be annexed to the metropolitan municipal  
19 corporation. Territory within a metropolitan municipal corporation may  
20 be annexed to a city which is not within such metropolitan municipal  
21 corporation in the manner provided by law and in such event either (1)  
22 such city may be annexed to such metropolitan municipal corporation by  
23 ordinance of the legislative body of the city concurred in by  
24 resolution of the metropolitan council, or (2) if such city shall not  
25 be so annexed such territory shall remain within the metropolitan  
26 municipal corporation unless such city shall by resolution of its  
27 legislative body request the withdrawal of such territory subject to  
28 any outstanding indebtedness of the metropolitan corporation and the  
29 metropolitan council shall by resolution consent to such withdrawal.

30 Any territory located within a component county that is contiguous  
31 to a metropolitan municipal corporation and lying wholly within an  
32 incorporated city or town may be annexed to such metropolitan municipal  
33 corporation by ordinance of the legislative body of such city or town  
34 requesting such annexation concurred in by resolution of the  
35 metropolitan council.

36 Any other territory located within a component county that is  
37 adjacent to a metropolitan municipal corporation may be annexed thereto

1 by vote of the qualified electors residing in the territory to be  
2 annexed, in the manner provided in this chapter. An election to annex  
3 such territory may be called pursuant to a petition or resolution in  
4 the following manner:

5 (1) A petition calling for such an election shall be signed by at  
6 least four percent of the qualified voters residing within the  
7 territory to be annexed and shall be filed with the auditor of the  
8 central county.

9 (2) A resolution calling for such an election may be adopted by the  
10 metropolitan council.

11 Any resolution or petition calling for such an election shall  
12 describe the boundaries of the territory to be annexed, and state that  
13 the annexation of such territory to the metropolitan municipal  
14 corporation will be conducive to the welfare and benefit of the persons  
15 or property within the metropolitan municipal corporation and within  
16 the territory proposed to be annexed.

17 Upon receipt of such a petition, the auditor shall examine the same  
18 and certify to the sufficiency of the signatures thereon. Within  
19 thirty days following the receipt of such petition, the auditor shall  
20 transmit the same to the metropolitan council, together with his or her  
21 certificate as to the sufficiency thereof.

22 **Sec. 2112.** RCW 35.61.230 and 1965 c 7 s 35.61.230 are each amended  
23 to read as follows:

24 Any person, firm or corporation feeling aggrieved by the assessment  
25 against his or her or its property may file objections with the city  
26 council and may appeal from the order confirming the assessment roll in  
27 the same manner as objections and appeals are made in regard to local  
28 improvements in cities of the first class.

29 **Sec. 2113.** RCW 35.63.020 and 1965 c 7 s 35.63.020 are each amended  
30 to read as follows:

31 If any council or board desires to avail itself of the powers  
32 conferred by this chapter it shall create a city or county planning  
33 commission consisting of from three to twelve members to be appointed  
34 by the mayor or (~~chairman~~) chair of the municipality and confirmed by  
35 the council or board: PROVIDED, That in cities of the first class  
36 having a commission form of government consisting of three or more

1 members, the commissioner of public works shall appoint the planning  
2 commission, which appointment shall be confirmed by a majority of the  
3 city commissioners. Cities of the first class operating under self-  
4 government charters may extend the membership and the duties and powers  
5 of its commission beyond those prescribed in this chapter.

6 **Sec. 2114.** RCW 35.63.030 and 1965 c 7 s 35.63.030 are each amended  
7 to read as follows:

8 The ordinance, resolution or act creating the commission shall set  
9 forth the number of members to be appointed, not more than one-third of  
10 which number may be ex officio members by virtue of office held in any  
11 municipality. The term of office for ex officio members shall  
12 correspond to their respective tenures. The term of office for the  
13 first appointive members appointed to such commission shall be  
14 designated from one to six years in such manner as to provide that the  
15 fewest possible terms will expire in any one year. Thereafter the term  
16 of office for each appointive member shall be six years.

17 Vacancies occurring otherwise than through the expiration of terms  
18 shall be filled for the unexpired term. Members may be removed, after  
19 public hearing, by the appointing official, with the approval of his or  
20 her council or board, for inefficiency, neglect of duty or malfeasance  
21 in office.

22 The members shall be selected without respect to political  
23 affiliations and they shall serve without compensation.

24 **Sec. 2115.** RCW 35.63.040 and 1965 c 7 s 35.63.040 are each amended  
25 to read as follows:

26 The commission shall elect its own (~~chairman~~) chair and create  
27 and fill such other offices as it may determine it requires. The  
28 commission shall hold at least one regular meeting in each month for  
29 not less than nine months in each year. It shall adopt rules for  
30 transaction of business and shall keep a written record of its  
31 meetings, resolutions, transactions, findings and determinations which  
32 record shall be a public record.

33 **Sec. 2116.** RCW 35.63.100 and 1967 ex.s. c 144 s 8 are each amended  
34 to read as follows:

35 The commission may recommend to its council or board the plan

1 prepared by it as a whole, or may recommend parts of the plan by  
2 successive recommendations; the parts corresponding with geographic or  
3 political sections, division or subdivisions of the municipality, or  
4 with functional subdivisions of the subject matter of the plan, or in  
5 the case of counties, with suburban settlement or arterial highway  
6 area. It may also prepare and recommend any amendment or extension  
7 thereof or addition thereto.

8 Before the recommendation of the initial plan to the municipality  
9 the commission shall hold at least one public hearing thereon, giving  
10 notice of the time and place by one publication in a newspaper of  
11 general circulation in the municipality and in the official gazette, if  
12 any, of the municipality.

13 The council may adopt by resolution or ordinance and the board may  
14 adopt by resolution the plan recommended to it by the commission, or  
15 any part of the plan, as the comprehensive plan.

16 A true copy of the resolution of the board adopting or embodying  
17 such plan or any part thereof or any amendment thereto shall be  
18 certified by the clerk of the board and filed with the county auditor.  
19 A like certified copy of any map or plat referred to or adopted by the  
20 county resolution shall likewise be filed with the county auditor. The  
21 auditor shall record the resolution and keep on file the map or plat.

22 The original resolution or ordinance of the council adopting or  
23 embodying such plan or any part thereof or any amendment thereto shall  
24 be certified by the clerk of the city and filed by him or her. The  
25 original of any map or plat referred to or adopted by the resolution or  
26 ordinance of the council shall likewise be certified by the clerk of  
27 the city and filed by him or her. The clerk shall keep on file the  
28 resolution or ordinance and map or plat.

29 **Sec. 2117.** RCW 35.68.020 and 1965 c 7 s 35.68.020 are each amended  
30 to read as follows:

31 No such improvement shall be undertaken or required except pursuant  
32 to a resolution of the council or commission of the city or town,  
33 hereinafter referred to as the city council. The resolution shall  
34 state whether the cost of the improvement shall be borne by the city or  
35 whether all or a specified portion shall be borne by the city or  
36 whether all or a specified portion shall be borne by the abutting  
37 property owner; or whether the abutting owner is required to construct

1 the improvement at his or her own cost and expense. If the abutting  
2 owner is required to construct the improvement the resolution shall  
3 specify the time within which the construction shall be commenced and  
4 completed; and further that if the improvement or construction is not  
5 undertaken and completed within the time specified that the city will  
6 perform or complete the improvement and assess the cost against the  
7 abutting owner.

8 **Sec. 2118.** RCW 35.69.030 and 1965 c 7 s 35.69.030 are each amended  
9 to read as follows:

10 Whenever the city council of any such city has adopted such  
11 resolution it shall cause a notice to be served on the owner of the  
12 property directly abutting on such portion of such street, instructing  
13 him or her to construct or reconstruct a sidewalk on such portion in  
14 accordance with the plans and specifications which shall be attached to  
15 such notice. The notice shall be deemed sufficiently served if  
16 delivered in person to the owner or if left at the home of such owner  
17 with a person of suitable age and discretion then resident therein, or  
18 with an agent of such owner, authorized to collect rentals on such  
19 property, or, if the owner is a nonresident of the state of Washington,  
20 by mailing a copy to his or her last known address, or if he or she is  
21 unknown or if his or her address is unknown, then by posting a copy in  
22 a conspicuous place at such portion of the street where the improvement  
23 is to be made. The notice shall specify a reasonable time within which  
24 such construction or reconstruction shall be made, and shall state that  
25 in case the owner fails to make the same within such time, the city  
26 will proceed to make it through the officer or department thereof  
27 charged with the inspection of sidewalks and that such officer or  
28 department will report to the city council, at a subsequent date, to be  
29 definitely stated in the notice, an assessment roll showing the lot or  
30 parcel of land directly abutting on such portion of the street so  
31 improved, the cost of the improvement, and the name of the owner, if  
32 known, and that the city council at the time stated in the notice or at  
33 the time or times to which the same may be adjourned, will hear any and  
34 all protests against the proposed assessment. Upon the expiration of  
35 the time fixed within which the owner is required to construct or  
36 reconstruct such sidewalk, if the owner has failed to perform such  
37 work, the city may proceed to perform it, and the officer or department

1 of the city performing the work shall, within the time fixed in the  
2 notice, report to the city council an assessment roll showing the lot  
3 or parcel of land directly abutting on that portion of the street so  
4 improved, the cost of the work, and the name of the owner, if known.  
5 The city council shall, at the time in such notice designated, or at an  
6 adjourned time or times, assess the cost of such improvement against  
7 said property and shall fix the time and manner for payment thereof,  
8 which said assessment shall become a lien upon said property and shall  
9 be collected in the manner as is provided by law for collection of  
10 local improvements assessments under this title.

11 **Sec. 2119.** RCW 35.70.030 and 1965 c 7 s 35.70.030 are each amended  
12 to read as follows:

13 If in the judgment of the officer or department having  
14 superintendence of streets and public places, public convenience or  
15 safety requires that a sidewalk be constructed along either side of any  
16 street, he or she shall report the fact to the city or town council  
17 immediately.

18 **Sec. 2120.** RCW 35.70.040 and 1965 c 7 s 35.70.040 are each amended  
19 to read as follows:

20 If upon receiving a report from the proper officer, the city or  
21 town council deems the construction of the proposed sidewalk necessary  
22 or convenient for the public it shall by an appropriate resolution  
23 order the sidewalk constructed and shall cause a written notice to be  
24 served upon the owner of each parcel of land abutting upon that portion  
25 and side of the street where the sidewalk is constructed requiring him  
26 or her to construct the sidewalk in accordance with the resolution.

27 **Sec. 2121.** RCW 35.70.060 and 1985 c 469 s 36 are each amended to  
28 read as follows:

29 The notice shall be served:

30 (1) By delivering a copy to the owner or reputed owner of each  
31 parcel of land affected, or to the authorized agent of the owners, or

32 (2) By leaving a copy thereof at the usual place of abode of the  
33 owner in the city or town with a person of suitable age and discretion  
34 residing therein, or

1 (3) If the owner is a nonresident of the city or town and his or  
2 her place of residence is known by mailing a copy to the owner  
3 addressed to his or her last known place of residence, or

4 (4) If the place of residence of the owner is unknown or if the  
5 owner of any parcel of land affected is unknown, by publication in the  
6 official newspaper of the city or town once a week for two consecutive  
7 weeks. The notice shall specify a reasonable time within which the  
8 sidewalk shall be constructed which in the case of publication of the  
9 notice shall not be less than sixty days from the date of the first  
10 publication of such notice.

11 **Sec. 2122.** RCW 35.71.050 and 1965 c 7 s 35.71.050 are each amended  
12 to read as follows:

13 The corporate authority is authorized to engage duly qualified real  
14 estate appraisers, for the purpose of determining the value, or legal  
15 damages, if any, to any person, owning or having any legal or equitable  
16 interest in any real property who contends that he or she would suffer  
17 damage if a projected mall were established; in connection therewith  
18 the city shall take into account any increment in value that may result  
19 from the establishment of the mall. The appraisers shall submit their  
20 findings in writing to the chief executive of the city.

21 **Sec. 2123.** RCW 35.77.030 and 1965 c 7 s 35.77.030 are each amended  
22 to read as follows:

23 Pursuant to an agreement authorized by RCW 35.77.020, the board of  
24 county commissioners may expend funds from the county road fund for the  
25 construction, repair, and maintenance of the streets of such city or  
26 town and for engineering and administrative services. Payments by a  
27 city or town under such an agreement shall be made to the county  
28 treasurer and by him or her deposited in the county road fund. Such  
29 construction, repair, maintenance, and engineering service shall be  
30 ordered by resolution and proceedings conducted in respect thereto in  
31 the same manner as provided for the construction, repair, and  
32 maintenance of county roads by counties, and for the preparation of  
33 maps, plans and specifications, advertising and award of contracts  
34 therefor: PROVIDED, That except in case of emergency all construction  
35 work performed by a county on city streets pursuant to RCW 35.77.020  
36 through 35.77.040, which exceeds ten thousand dollars, shall be done by

1 contract, unless after advertisement and solicitation of competitive  
2 bids it appears that bids are unobtainable or that the lowest bid  
3 exceeds the amount for which such construction can be done by means  
4 other than contract. No street construction project shall be divided  
5 into lesser component parts for the purpose of avoiding the  
6 requirements for competitive bidding.

7 **Sec. 2124.** RCW 35.82.050 and 1998 c 140 s 3 are each amended to  
8 read as follows:

9 (1) No commissioner, employee, or appointee to any decision-making  
10 body for the housing authority shall own or hold an interest in any  
11 contract or property or engage in any business, transaction, or  
12 professional or personal activity, that would:

13 (a) Be, or appear to be, in conflict with the commissioner's,  
14 employee's, or appointee's official duties to any decision-making body  
15 for the housing authority duties relating to the housing authority  
16 served by or subject to the authority of such commissioner, employee,  
17 or appointee to any decision-making body for the housing authority;

18 (b) Secure, or appear to secure, unwarranted privileges or  
19 advantages for such commissioner, employee, or appointee to any  
20 decision-making body for the housing authority, or others; or

21 (c) Prejudice, or appear to prejudice, such commissioner's,  
22 employee's, or appointee's to any decision-making body for the housing  
23 authority independence of judgment in exercise of his or her official  
24 duties relating to the housing authority served by or subject to the  
25 authority of the commissioner, employee, or appointee to any decision-  
26 making body for the housing authority.

27 (2) No commissioner, employee, or appointee to any decision-making  
28 body for the housing authority shall act in an official capacity in any  
29 manner in which such commissioner, employee, or appointee to any  
30 decision-making body of the housing authority has a direct or indirect  
31 financial or personal involvement.

32 (3) No commissioner, employee, or appointee to any decision-making  
33 body for the housing authority shall use his or her public office or  
34 employment to secure financial gain to such commissioner, employee, or  
35 appointee to any decision-making body for the housing authority.

36 (4) If any commissioner or employee of an authority or any  
37 appointee to any decision-making body for the housing authority owns or

1 controls an interest direct or indirect in any property included or  
2 planned to be included in any housing project, he or she immediately  
3 shall disclose the same in writing to the authority and such disclosure  
4 shall be entered upon the minutes of the authority. Failure to  
5 disclose such interest shall constitute misconduct in office. Upon  
6 such disclosure such commissioner, employee, or appointee to any  
7 decision-making body for the housing authority shall not participate in  
8 any action by the authority affecting such property.

9 (5) No provision of this section shall preclude a tenant of the  
10 public housing authority from serving as a commissioner, employee, or  
11 appointee to any decision-making body of the housing authority. No  
12 provision of this section shall preclude a tenant of the public housing  
13 authority who is serving as a commissioner, employee, or appointee to  
14 any decision-making body of the housing authority from voting on any  
15 issue or decision, or participating in any action by the authority,  
16 unless a conflict of interest, as set forth in subsections (1) through  
17 (4) of this section, exists as to that particular tenant and the  
18 particular property or interest at issue before, or subject to action  
19 by the housing authority.

20 **Sec. 2125.** RCW 35.82.060 and 1965 c 7 s 35.82.060 are each amended  
21 to read as follows:

22 For inefficiency or neglect of duty or misconduct in office, a  
23 commissioner of an authority may be removed by the mayor (or in the  
24 case of an authority for a county, by the governing body of said  
25 county), but a commissioner shall be removed only after he or she shall  
26 have been given a copy of the charges at least ten days prior to the  
27 hearing thereon and had an opportunity to be heard in person or by  
28 counsel. In the event of the removal of any commissioner, a record of  
29 the proceedings, together with the charges and findings thereon, shall  
30 be filed in the office of the clerk.

31 **Sec. 2126.** RCW 35.82.180 and 1965 c 7 s 35.82.180 are each amended  
32 to read as follows:

33 An authority shall have power by its resolution, trust indenture,  
34 mortgage, lease or other contract to confer upon any obligee holding or  
35 representing a specified amount in bonds, or holding a lease, the right  
36 (in addition to all rights that may otherwise be conferred), upon the

1 happening of an event of default as defined in such resolution or  
2 instrument, by suit, action or proceeding in any court of competent  
3 jurisdiction:

4 (1) To cause possession of any housing project or any part thereof  
5 to be surrendered to any such obligee.

6 (2) To obtain the appointment of a receiver of any housing project  
7 of said authority or any part thereof and of the rents and profits  
8 therefrom. If such receiver be appointed, he or she may enter and take  
9 possession of such housing project or any part thereof and operate and  
10 maintain same, and collect and receive all fees, rents, revenues, or  
11 other charges thereafter arising therefrom, and shall keep such moneys  
12 in a separate account or accounts and apply the same in accordance with  
13 the obligations of said authority as the court shall direct.

14 (3) To require said authority and the commissioners thereof to  
15 account as if it and they were the trustees of an express trust.

16 **Sec. 2127.** RCW 35.84.050 and 1965 c 7 s 35.84.050 are each amended  
17 to read as follows:

18 Whenever a (~~fireman~~) firefighter engages in any duty outside the  
19 limits of such municipality, such duty shall be considered as part of  
20 his or her duty as (~~fireman~~) firefighter for the municipality, and a  
21 (~~fireman~~) firefighter who is injured while engaged in such duties  
22 outside the limits of the municipality shall be entitled to the same  
23 benefits that he or she or his or her family would be entitled to  
24 receive had he or she been injured within the municipality.

25 **Sec. 2128.** RCW 35.86A.060 and 1969 ex.s. c 204 s 6 are each  
26 amended to read as follows:

27 The parking commission shall select from its members a (~~chairman~~)  
28 chair, and may establish its own rules, regulations and procedures not  
29 inconsistent with this chapter. No resolution shall be adopted by the  
30 parking commission except upon the concurrence of at least three  
31 members.

32 **Sec. 2129.** RCW 35.88.050 and 1965 c 7 s 35.88.050 are each amended  
33 to read as follows:

34 If upon the trial of any person for the violation of any of the  
35 provisions of this chapter he or she is found guilty of creating or

1 maintaining a nuisance or of violating any of the provisions of this  
2 chapter, he or she shall forthwith abate the nuisance, and if he or she  
3 fails so to do within one day after such conviction, unless further  
4 time is granted by the court, a warrant shall be issued by the court  
5 wherein the conviction was obtained, directed to the sheriff of the  
6 county in which such nuisance exists and the sheriff shall forthwith  
7 proceed to abate the said nuisance and the cost thereof shall be taxed  
8 against the person so convicted as a part of the costs of such case.

9       **Sec. 2130.** RCW 35.88.060 and 1965 c 7 s 35.88.060 are each amended  
10 to read as follows:

11       The city health officer, city physician, board of public health,  
12 mayor, or any other officer, who has the sanitary condition of the city  
13 or town in charge, shall see that the provisions of this chapter are  
14 enforced and upon complaint being made to any such officer of an  
15 alleged violation, he or she shall immediately investigate the said  
16 complaint and if the same appears to be well founded he or she shall  
17 file a complaint against the person or persons violating any of the  
18 provisions of this chapter and cause their arrest and prosecution.

19       **Sec. 2131.** RCW 35.88.090 and 1979 c 141 s 41 are each amended to  
20 read as follows:

21       The secretary of social and health services shall have the power,  
22 and it shall be his or her duty, to investigate the system of disposal  
23 of sewage, garbage, feculent matter, offal, refuse, filth, or any  
24 animal, mineral, or vegetable matter or substance, by cities not  
25 located on tidewater, having a population of one hundred thousand or  
26 more, and if he or she shall determine upon investigation that any such  
27 system or systems of disposal is or may be injurious or dangerous to  
28 health, he or she shall have the power, and it shall be his or she  
29 duty, to order such city or cities to provide for, construct, and  
30 maintain a system or systems of disposal which will not be injurious or  
31 dangerous to health.

32       **Sec. 2132.** RCW 35.92.260 and 1965 c 130 s 3 are each amended to  
33 read as follows:

34       When a city or town makes local improvements for any of the  
35 purposes specified in RCW 35.92.220 and RCW 35.92.230, as now or

1 hereafter amended, the proceedings relative to the creation of  
2 districts, financing of improvements, levying and collecting  
3 assessments and all other procedure shall be had, and the legislative  
4 authority shall proceed in accordance with the provisions of the laws  
5 relating to local improvement districts in cities of the first class:  
6 PROVIDED, That when the improvement is initiated upon petition, the  
7 petition shall set forth the fact that the signers are the owners  
8 according to the records in the office of the county auditor, of  
9 property to an aggregate amount of a majority of the surface area  
10 within the limits of the assessment district to be created: PROVIDED  
11 FURTHER, That when an assessment is made for any purpose other than the  
12 construction or reconstruction of any system or means of distribution  
13 or delivery of water, it shall not be necessary for the legislative  
14 authority to be furnished with a statement of the aggregate assessed  
15 valuation of the real estate exclusive of improvements in the district  
16 according to the valuation last placed upon it for purposes of general  
17 taxation, or the estimated amount of the cost of the improvement to be  
18 borne by each tract of land or other property, but a statement by the  
19 engineer or other officer, showing the estimated cost of the  
20 improvement per square foot, shall be sufficient: PROVIDED FURTHER,  
21 That when the legislative authority of a city or town shall deem it  
22 necessary to levy special assessments for the purposes specified in RCW  
23 35.92.230, as now or hereafter amended, other than for the purpose of  
24 paying the costs of acquiring, constructing or reconstructing any  
25 system or means of distribution or delivery of water for irrigation or  
26 domestic purposes, the legislative authority for such city or town may  
27 hold a single hearing on the assessment rolls for all irrigation local  
28 improvement districts within the city or town. Such legislative  
29 authority shall fix the date of such hearing and shall direct the city  
30 or town clerk to give notice thereof, in the form prescribed by RCW  
31 35.44.080, by publication thereof in a legal newspaper of general  
32 circulation in the city or town, once, not less than fifteen days prior  
33 to the date fixed for hearing; and by mailing, not less than fifteen  
34 days prior to the date fixed for hearing, notice thereof to the owner  
35 or reputed owner of each item of property described on the assessment  
36 roll whose name appears on such roll at the address of such owner or  
37 reputed owner shown on the tax rolls of the county treasurer for each  
38 such item of property: PROVIDED FURTHER, That when an assessment roll

1 is once prepared and does not include the cost of purchase,  
2 construction, or reconstruction of works of delivery or distribution  
3 and the legislative authority of such city or town decides to raise a  
4 similar amount the ensuing year, it shall not be necessary to prepare  
5 a new assessment roll, but the legislative authority may pass a  
6 resolution of intention estimating the cost for the ensuing year to be  
7 the same as the preceding year, and directing the clerk to give notice  
8 stating the estimated cost per square foot of all land within the  
9 district and refer persons interested to the books of the treasurer,  
10 and fixing the date for a hearing on such assessment roll. Notice of  
11 such hearing shall be given by the city or town clerk in the form and  
12 manner required in the preceding proviso. The treasurer shall be  
13 present at the hearing and shall note any changes on his or her books.  
14 The legislative authority shall have the same right to make changes in  
15 the assessment roll as in an original assessment, and after all changes  
16 have been made it shall, by ordinance, confirm the assessment and  
17 direct the treasurer to extend it on the books of his or her office.

18 **Sec. 2133.** RCW 35.94.020 and 1985 c 469 s 40 are each amended to  
19 read as follows:

20 The legislative authority of the city, if it deems it advisable to  
21 lease or sell the works, plant, or system, or any part thereof, shall  
22 adopt a resolution stating whether it desires to lease or sell. If it  
23 desires to lease, the resolution shall state the general terms and  
24 conditions of the lease, but not the rent. If it desires to sell the  
25 general terms of sale shall be stated, but not the price. The  
26 resolution shall direct the city clerk, or other proper official, to  
27 publish the resolution not less than once a week for four weeks in the  
28 official newspaper of the city, together with a notice calling for  
29 sealed bids to be filed with the clerk or other proper official not  
30 later than a certain time, accompanied by a certified check payable to  
31 the order of the city, for such amount as the resolution shall require,  
32 or a deposit of a like sum in money. Each bid shall state that the  
33 bidder agrees that if his or her bid is accepted and he or she fails to  
34 comply therewith within the time hereinafter specified, the check or  
35 deposit shall be forfeited to the city. If bids for a lease are called  
36 for, bidders shall bid the amount to be paid as the rent for each year  
37 of the term of the lease. If bids for a sale are called for, the bids

1 shall state the price offered. The legislative authority of the city  
2 may reject any or all bids and accept any bid which it deems best. At  
3 the first meeting of the legislative authority of the city held after  
4 the expiration of the time fixed for receiving bids, or at some later  
5 meeting, the bids shall be considered. In order for the legislative  
6 authority to declare it advisable to accept any bid it shall be  
7 necessary for two-thirds of all the members elected to the legislative  
8 authority to vote in favor of a resolution making the declaration. If  
9 the resolution is adopted it shall be necessary, in order that the bid  
10 be accepted, to enact an ordinance accepting it and directing the  
11 execution of a lease or conveyance by the mayor and city clerk or other  
12 proper official. The ordinance shall not take effect until it has been  
13 submitted to the voters of the city for their approval or rejection at  
14 the next general election or at a special election called for that  
15 purpose, and a majority of the voters voting thereon have approved it.  
16 If approved it shall take effect as soon as the result of the vote is  
17 proclaimed by the mayor. If it is so submitted and fails of approval,  
18 it shall be rejected and annulled. The mayor shall proclaim the vote  
19 as soon as it is properly certified.

20 **Sec. 2134.** RCW 35.94.030 and 1965 c 7 s 35.94.030 are each amended  
21 to read as follows:

22 Upon the taking effect of the ordinance the mayor and the city  
23 clerk or other proper official shall execute, in the name and on behalf  
24 of the city, the lease or conveyance directed thereby. The lessee or  
25 grantee shall accept and execute the instrument within ten days after  
26 notice of its execution by the city or forfeit to the city, the amount  
27 of the check or deposit accompanying his or her bid: PROVIDED, That if  
28 litigation in good faith is instituted within ten days to determine the  
29 rights of the parties, no forfeiture shall take place unless the lessee  
30 or grantee fails for five days after the termination of the litigation  
31 in favor of the city to accept and execute the lease or conveyance.

32 **Sec. 2135.** RCW 35.96.050 and 1967 c 119 s 6 are each amended to  
33 read as follows:

34 When service from the underground electric and communication  
35 facilities is available in all or part of a conversion area, the city

1 or town shall mail a notice to the owners of all structures or  
2 improvements served from the existing overhead facilities in the area,  
3 which notice shall state that:

4 (1) Service from the underground facilities is available;

5 (2) All electric and communication service lines from the existing  
6 overhead facilities within the area to any structure or improvement  
7 must be disconnected and removed within ninety days after the date of  
8 the mailing of the notice;

9 (3) Should such owner fail to convert such service lines from  
10 overhead to underground within ninety days after the date of the  
11 mailing of the notice, the city or town will order the electric and  
12 communication utilities to disconnect and remove the service lines;

13 (4) Should the owner object to the disconnection and removal of the  
14 service lines he or she may file his or her written objections thereto  
15 with the city or town clerk within thirty days after the date of the  
16 mailing of the notice and failure to so object within such time will  
17 constitute a waiver of his or her right thereafter to object to such  
18 disconnection and removal.

19 If the owner of any structure or improvement served from the  
20 existing overhead electric and communication facilities within a  
21 conversion area shall fail to convert to underground the service lines  
22 from such overhead facilities to such structure or improvement within  
23 ninety days after the mailing to him or her of the notice, the city or  
24 town shall order the electric and communication utilities to disconnect  
25 and remove all such service lines: PROVIDED, That if the owner has  
26 filed his or her written objections to such disconnection and removal  
27 with the city or town clerk within thirty days after the mailing of the  
28 notice then the city or town shall not order such disconnection and  
29 removal until after the hearing on such objections.

30 Upon the timely filing by the owner of objections to the  
31 disconnection and removal of the service lines, the legislative  
32 authority of such city or town, or a committee thereof, shall conduct  
33 a hearing to determine whether the removal of all or any part of the  
34 service lines is in the public benefit. The hearing shall be held at  
35 such time as the legislative authority of such city or town may  
36 establish for hearings on the objections and shall be held in  
37 accordance with the regularly established procedure set by the  
38 legislative authority of the city or town. If the hearing is before a

1 committee, the committee shall following the hearing report its  
2 recommendation to the legislative authority of the city or town for  
3 final action. The determination reached by the legislative authority  
4 shall be final in the absence of an abuse of discretion.

5 **PART III**

6 **Sec. 3001.** RCW 35A.02.055 and 1979 ex.s. c 18 s 8 are each amended  
7 to read as follows:

8 Where a city elects to become a noncharter code city under one of  
9 the optional plans of government provided in Title 35A RCW for code  
10 cities which involves the same general plan of government as that under  
11 which the city operated prior to the choice and where with the change  
12 in classification the number of (~~councilmanic~~) council positions in  
13 a city remains the same or increases from five to seven, the procedures  
14 for the first election of officers which appear in RCW 35A.02.050 shall  
15 not be followed. When membership in a city council remains the same or  
16 is increased upon becoming a noncharter code city, the terms of  
17 incumbent councilmembers shall not be affected. If the number of  
18 councilmembers is increased from five to seven, the city council shall,  
19 by majority vote, pursuant to RCW 35A.12.050 and 35A.13.020, appoint  
20 two persons to serve in these offices until the next municipal general  
21 election, at which election one person shall be elected for a two-year  
22 term and one person shall be elected for a four-year term.

23 A first election of all officers upon a change in classification to  
24 a noncharter code city is also not required where the change in  
25 classification otherwise retains the same general or specific plan of  
26 government and where the change in classification results in a decrease  
27 in the number of (~~councilmanic~~) council positions in a city.

28 If the membership in a city council is decreased from seven to five  
29 members upon adopting the classification of noncharter code city, this  
30 decrease in the number of councilmembers shall be determined in the  
31 following manner: The councilmembers shall determine by lot which two  
32 (~~councilmanic~~) council positions shall be eliminated upon the  
33 expiration of their terms of office. The terms of the remaining  
34 councilmembers shall not be affected.

1       **Sec. 3002.** RCW 35A.08.020 and 1979 c 151 s 32 are each amended to  
2 read as follows:

3       For the purposes of this chapter, the population of a city shall be  
4 the number of residents shown by the figures released for the most  
5 recent official state or federal census, by a population determination  
6 made under the direction of the office of financial management, or by  
7 a city census conducted in the following manner:

8       (1) The legislative authority of any such city may provide by  
9 ordinance for the appointment by the mayor thereof, of such number of  
10 persons as may be designated in the ordinance to make an enumeration of  
11 all persons residing within the corporate limits of the city. The  
12 enumerators so appointed, before entering upon their duties, shall take  
13 an oath for the faithful performance thereof and within five days after  
14 their appointment proceed, within their respective districts, to make  
15 an enumeration of all persons residing therein, with their names and  
16 places of residence.

17       (2) Immediately upon the completion of the enumeration, the  
18 enumerators shall make return thereof upon oath to the legislative  
19 authority of the city, who at its next meeting or as soon thereafter as  
20 practicable, shall canvass and certify the returns.

21       (3) If it appears therefrom that the whole number of persons  
22 residing within the corporate limits of the city is ten thousand or  
23 more, the mayor and clerk under the corporate seal of the city shall  
24 certify the number so ascertained to the secretary of state, who shall  
25 file it in his or her office. This certificate when so filed shall be  
26 conclusive evidence of the population of the city.

27       **Sec. 3003.** RCW 35A.08.040 and 1990 c 259 s 7 are each amended to  
28 read as follows:

29       The election on the question whether to adopt a charter and become  
30 a charter code city and the nomination and election of the members of  
31 the charter commission shall be conducted, and the result declared,  
32 according to the laws regulating and controlling elections in the city.  
33 Candidates for election to the charter commission must be nominated by  
34 petition signed by ten registered voters of the city and residents  
35 therein for a period of at least two years preceding the election. A  
36 nominating petition shall be filed within the time allowed for filing  
37 declarations of candidacy and shall be verified by an affidavit of one

1 or more of the signers to the effect that the affiant believes that the  
2 candidate and all of the signers are registered voters of the city and  
3 he or\_she signed the petition in good faith for the purpose of  
4 endorsing the person named therein for election to the charter  
5 commission. A written acceptance of the nomination by the nominee  
6 shall be affixed to the petition when filed with the county auditor.  
7 Nominating petitions need not be in the form prescribed in RCW  
8 35A.01.040. Any nominee may withdraw his or\_her nomination by a  
9 written statement of withdrawal filed at any time not later than five  
10 days before the last day allowed for filing nominations. The positions  
11 on the charter commission shall be designated by consecutive numbers  
12 one through fifteen, and the positions so designated shall be  
13 considered as separate offices for all election purposes. A nomination  
14 shall be made for a specific numbered position.

15 **Sec. 3004.** RCW 35A.08.050 and 1967 ex.s. c 119 s 35A.08.050 are  
16 each amended to read as follows:

17 Within ten days after its election the charter commission shall  
18 hold its first meeting, elect one of the members as (~~chairman~~) chair,  
19 and adopt such rules for the conduct of its business as it may deem  
20 advisable. In the event of a vacancy in the charter commission, the  
21 remaining members shall fill it by appointment thereto of some properly  
22 qualified person. A majority shall constitute a quorum for transaction  
23 of business but final charter recommendations shall require a majority  
24 vote of the whole membership of the commission. The commission shall  
25 study the plan of government of the city, compare it with other  
26 available plans of government, and determine whether, in its judgment,  
27 the government of the city could be strengthened, made more responsive  
28 or accountable to the people, or whether its operation could be made  
29 more economical or more efficient by amendment of the existing plan or  
30 adoption of another plan of government. The commission shall consider  
31 the plans of government described in this title but shall not be  
32 limited to such plans in its recommendations for the government of the  
33 city and may frame a charter for any plan it deems suitable for the  
34 good government of the city; except that the provisions of such charter  
35 shall not be valid if inconsistent with the Constitution of this state,  
36 the provisions of this title, or the general laws of the state, insofar  
37 as they are applicable to cities governed under this title.

1       **Sec. 3005.** RCW 35A.12.010 and 1997 c 361 s 6 are each amended to  
2 read as follows:

3       The government of any noncharter code city or charter code city  
4 electing to adopt the mayor-council plan of government authorized by  
5 this chapter shall be vested in an elected mayor and an elected  
6 council. The council of a noncharter code city having less than  
7 twenty-five hundred inhabitants shall consist of five members; when  
8 there are twenty-five hundred or more inhabitants, the council shall  
9 consist of seven members. A city with a population of less than  
10 twenty-five hundred at the time of reclassification as an optional  
11 municipal code city may choose to maintain a seven-member council. The  
12 decision concerning the number of councilmembers shall be made by the  
13 council and be incorporated as a section of the ordinance adopting for  
14 the city the classification of noncharter code city. If the population  
15 of a city after having become a code city decreases from twenty-five  
16 hundred or more to less than twenty-five hundred, it shall continue to  
17 have a seven member council. If, after a city has become a mayor-  
18 council code city, its population increases to twenty-five hundred or  
19 more inhabitants, the number of ((~~councilmanic~~)) council offices in  
20 such city may increase from five to seven members upon the affirmative  
21 vote of a majority of the existing council to increase the number of  
22 ((~~councilmanic~~)) council offices in the city. When the population of  
23 a mayor-council code city having five ((~~councilmanic~~)) council offices  
24 increases to five thousand or more inhabitants, the number of  
25 ((~~councilmanic~~)) council offices in the city shall increase from five  
26 to seven members. In the event of an increase in the number of  
27 ((~~councilmanic~~)) council offices, the city council shall, by majority  
28 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these  
29 offices until the next municipal general election, at which election  
30 one person shall be elected for a two-year term and one person shall be  
31 elected for a four-year term. The number of inhabitants shall be  
32 determined by the most recent official state or federal census or  
33 determination by the state office of financial management. A charter  
34 adopted under the provisions of this title, incorporating the mayor-  
35 council plan of government set forth in this chapter, may provide for  
36 an uneven number of councilmembers not exceeding eleven.

37       A noncharter code city of less than five thousand inhabitants which  
38 has elected the mayor-council plan of government and which has seven

1 ((~~councilman~~)) council offices may establish a five-member council in  
2 accordance with the following procedure. At least six months prior to  
3 a municipal general election, the city council shall adopt an ordinance  
4 providing for reduction in the number of ((~~councilman~~)) council  
5 offices to five. The ordinance shall specify which two  
6 ((~~councilman~~)) council offices, the terms of which expire at the next  
7 general election, are to be terminated. The ordinance shall provide  
8 for the renumbering of council positions and shall also provide for a  
9 two-year extension of the term of office of a retained ((~~councilman~~))  
10 council office, if necessary, in order to comply with RCW 35A.12.040.

11 However, a noncharter code city that has retained its old mayor-  
12 council plan of government, as provided in RCW 35A.02.130, is subject  
13 to the laws applicable to that old plan of government.

14 **Sec. 3006.** RCW 35A.12.030 and 1979 ex.s. c 18 s 20 are each  
15 amended to read as follows:

16 No person shall be eligible to hold elective office under the  
17 mayor-council plan unless the person is a registered voter of the city  
18 at the time of filing his or her declaration of candidacy and has been  
19 a resident of the city for a period of at least one year next preceding  
20 his or her election. Residence and voting within the limits of any  
21 territory which has been included in, annexed to, or consolidated with  
22 such city is construed to have been residence within the city. A mayor  
23 or ((~~councilman~~)) councilmember shall hold within the city government  
24 no other public office or employment except as permitted under the  
25 provisions of chapter 42.23 RCW.

26 **Sec. 3007.** RCW 35A.12.065 and 1967 ex.s. c 119 s 35A.12.065 are  
27 each amended to read as follows:

28 Biennially at the first meeting of a new council, or periodically,  
29 the members thereof, by majority vote, may designate one of their  
30 number as mayor pro tempore or deputy mayor for such period as the  
31 council may specify, to serve in the absence or temporary disability of  
32 the mayor; or, in lieu thereof, the council may, as the need may arise,  
33 appoint any qualified person to serve as mayor pro tempore in the  
34 absence or temporary disability of the mayor. In the event of the  
35 extended excused absence or disability of a ((~~councilman~~))

1 councilmember, the remaining members by majority vote may appoint a  
2 ((~~councilman~~)) councilmember pro tempore to serve during the absence or  
3 disability.

4 **Sec. 3008.** RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each  
5 amended to read as follows:

6 The salaries of the mayor and the ((~~councilmen~~)) councilmembers  
7 shall be fixed by ordinance and may be revised from time to time by  
8 ordinance, but any increase in the compensation attaching to an office  
9 shall not be applicable to the term then being served by the incumbent  
10 if such incumbent is a member of the city legislative body fixing his  
11 or her own compensation or as mayor in a mayor-council code city casts  
12 a tie-breaking vote relating to such ordinance: PROVIDED, That if the  
13 mayor of such a city does not cast such a vote, his or her salary may  
14 be increased during his or her term of office.

15 Until the first elective officers under this mayor-council plan of  
16 government may lawfully be paid the compensation provided by such  
17 salary ordinance, such officers shall be entitled to be compensated in  
18 the same manner and in the same amount as the compensation paid to  
19 officers of such city performing comparable services immediately prior  
20 to adoption of this mayor-council plan.

21 Until a salary ordinance can be passed and become effective as to  
22 elective officers of a newly incorporated code city, such first  
23 officers shall be entitled to compensation as follows: In cities  
24 having less than five thousand inhabitants, the mayor shall be entitled  
25 to a salary of one hundred and fifty dollars per calendar month and a  
26 ((~~councilman~~)) councilmember shall be entitled to twenty dollars per  
27 meeting for not more than two meetings per month; in cities having more  
28 than five thousand but less than fifteen thousand inhabitants, the  
29 mayor shall be entitled to a salary of three hundred and fifty dollars  
30 per calendar month and a ((~~councilman~~)) councilmember shall be entitled  
31 to one hundred and fifty dollars per calendar month; in cities having  
32 more than fifteen thousand inhabitants, the mayor shall be entitled to  
33 a salary of twelve hundred and fifty dollars per calendar month and a  
34 ((~~councilman~~)) councilmember shall be entitled to four hundred dollars  
35 per calendar month: PROVIDED, That such interim compensation shall  
36 remain in effect only until a salary ordinance is passed and becomes  
37 effective as to such officers, and the amounts herein provided shall

1 not be construed as fixing the usual salary of such officers. The  
2 mayor and (~~councilmen~~) councilmembers shall receive reimbursement for  
3 their actual and necessary expenses incurred in the performance of the  
4 duties of their office, or the council by ordinance may provide for a  
5 per diem allowance. Procedure for approval of claims for expenses  
6 shall be as provided by ordinance.

7 **Sec. 3009.** RCW 35A.12.080 and 1986 c 167 s 20 are each amended to  
8 read as follows:

9 Any officer before entering upon the performance of his or her  
10 duties may be required to take an oath or affirmation as prescribed by  
11 charter or by ordinance for the faithful performance of his or her  
12 duties. The oath or affirmation shall be filed with the county  
13 auditor. The clerk, treasurer, if any, chief of police, and such other  
14 officers or employees as may be designated by ordinance or by charter  
15 shall be required to furnish annually an official bond conditioned on  
16 the honest and faithful performance of their official duties. The  
17 terms and penalty of official bonds and the surety therefor shall be  
18 prescribed by ordinance or charter and the bond shall be approved by  
19 the chief administrative officer of the city. The premiums on such  
20 bonds shall be paid by the city. When the furnishing of an official  
21 bond is required of an officer or employee, compliance with such  
22 provisions shall be an essential part of qualification for office.

23 **Sec. 3010.** RCW 35A.12.100 and 1979 ex.s. c 18 s 22 are each  
24 amended to read as follows:

25 The mayor shall be the chief executive and administrative officer  
26 of the city, in charge of all departments and employees, with authority  
27 to designate assistants and department heads. The mayor may appoint  
28 and remove a chief administrative officer or assistant administrative  
29 officer, if so provided by ordinance or charter. He or she shall see  
30 that all laws and ordinances are faithfully enforced and that law and  
31 order is maintained in the city, and shall have general supervision of  
32 the administration of city government and all city interests. All  
33 official bonds and bonds of contractors with the city shall be  
34 submitted to the mayor or such person as he or she may designate for  
35 approval or disapproval. He or she shall see that all contracts and  
36 agreements made with the city or for its use and benefit are faithfully

1 kept and performed, and to this end he or she may cause any legal  
2 proceedings to be instituted and prosecuted in the name of the city,  
3 subject to approval by majority vote of all members of the council.  
4 The mayor shall preside over all meetings of the city council, when  
5 present, but shall have a vote only in the case of a tie in the votes  
6 of the (~~councilmen~~) councilmembers with respect to matters other than  
7 the passage of any ordinance, grant, or revocation of franchise or  
8 license, or any resolution for the payment of money. He or she shall  
9 report to the council concerning the affairs of the city and its  
10 financial and other needs, and shall make recommendations for council  
11 consideration and action. He or she shall prepare and submit to the  
12 council a proposed budget, as required by chapter 35A.33 RCW. The  
13 mayor shall have the power to veto ordinances passed by the council and  
14 submitted to him or her as provided in RCW 35A.12.130 but such veto may  
15 be overridden by the vote of a majority of all councilmembers plus one  
16 more vote. The mayor shall be the official and ceremonial head of the  
17 city and shall represent the city on ceremonial occasions, except that  
18 when illness or other duties prevent the mayor's attendance at an  
19 official function and no mayor pro tempore has been appointed by the  
20 council, a member of the council or some other suitable person may be  
21 designated by the mayor to represent the city on such occasion.

22 **Sec. 3011.** RCW 35A.12.110 and 1993 c 199 s 3 are each amended to  
23 read as follows:

24 The city council and mayor shall meet regularly, at least once a  
25 month, at a place and at such times as may be designated by the city  
26 council. All final actions on resolutions and ordinances must take  
27 place within the corporate limits of the city. Special meetings may be  
28 called by the mayor or any three members of the council by written  
29 notice delivered to each member of the council at least twenty-four  
30 hours before the time specified for the proposed meeting. All actions  
31 that have heretofore been taken at special council meetings held  
32 pursuant to this section, but for which the number of hours of notice  
33 given has been at variance with requirements of RCW 42.30.080, are  
34 hereby validated. All council meetings shall be open to the public  
35 except as permitted by chapter 42.30 RCW. No ordinance or resolution  
36 shall be passed, or contract let or entered into, or bill for the  
37 payment of money allowed at any meeting not open to the public, nor at

1 any public meeting the date of which is not fixed by ordinance,  
2 resolution, or rule, unless public notice of such meeting has been  
3 given by such notice to each local newspaper of general circulation and  
4 to each local radio or television station, as provided in RCW 42.30.080  
5 as now or hereafter amended. Meetings of the council shall be presided  
6 over by the mayor, if present, or otherwise by the mayor pro tempore,  
7 or deputy mayor if one has been appointed, or by a member of the  
8 council selected by a majority of the councilmembers at such meeting.  
9 Appointment of a councilmember to preside over the meeting shall not in  
10 any way abridge his or her right to vote on matters coming before the  
11 council at such meeting. In the absence of the clerk, a deputy clerk  
12 or other qualified person appointed by the clerk, the mayor, or the  
13 council, may perform the duties of clerk at such meeting. A journal of  
14 all proceedings shall be kept, which shall be a public record.

15 **Sec. 3012.** RCW 35A.12.120 and 1967 ex.s. c 119 s 35A.12.120 are  
16 each amended to read as follows:

17 At all meetings of the council a majority of the (~~councilmen~~)  
18 councilmembers shall constitute a quorum for the transaction of  
19 business, but a less number may adjourn from time to time and may  
20 compel the attendance of absent members in such manner and under such  
21 penalties as may be prescribed by ordinance. The council shall  
22 determine its own rules and order of business, and may establish rules  
23 for the conduct of council meetings and the maintenance of order. At  
24 the desire of any member, any question shall be voted upon by roll call  
25 and the ayes and nays shall be recorded in the journal.

26 The passage of any ordinance, grant or revocation of franchise or  
27 license, and any resolution for the payment of money shall require the  
28 affirmative vote of at least a majority of the whole membership of the  
29 council.

30 **Sec. 3013.** RCW 35A.12.130 and 1967 ex.s. c 119 s 35A.12.130 are  
31 each amended to read as follows:

32 The enacting clause of all ordinances shall be as follows: "The  
33 city council of the city of . . . . do ordain as follows:" No  
34 ordinance shall contain more than one subject and that must be clearly  
35 expressed in its title.

1 No ordinance or any section or subsection thereof shall be revised  
2 or amended unless the new ordinance sets forth the revised ordinance or  
3 the amended section or subsection at full length.

4 No ordinance shall take effect until five days after the date of  
5 its publication unless otherwise provided by statute or charter, except  
6 that an ordinance passed by a majority plus one of the whole membership  
7 of the council, designated therein as a public emergency ordinance  
8 necessary for the protection of public health, public safety, public  
9 property or the public peace, may be made effective upon adoption, but  
10 such ordinance may not levy taxes, grant, renew, or extend a franchise,  
11 or authorize the borrowing of money.

12 Every ordinance which passes the council in order to become valid  
13 must be presented to the mayor; if he or she approves it, he or she  
14 shall sign it, but if not, he or she shall return it with his or her  
15 written objections to the council and the council shall cause his or  
16 her objections to be entered at large upon the journal and proceed to  
17 a reconsideration thereof. If upon reconsideration a majority plus one  
18 of the whole membership, voting upon a call of ayes and nays, favor its  
19 passage, the ordinance shall become valid notwithstanding the mayor's  
20 veto. If the mayor fails for ten days to either approve or veto an  
21 ordinance, it shall become valid without his or her approval.  
22 Ordinances shall be signed by the mayor and attested by the clerk.

23 **Sec. 3014.** RCW 35A.12.150 and 1967 ex.s. c 119 s 35A.12.150 are  
24 each amended to read as follows:

25 The city clerk shall authenticate by his or her signature and  
26 record in full in a properly indexed book kept for the purpose all  
27 ordinances and resolutions adopted by the council. Such book, or  
28 copies of ordinances and resolutions, shall be available for inspection  
29 by the public at reasonable times and under reasonable conditions.

30 **Sec. 3015.** RCW 35A.12.170 and 1967 ex.s. c 119 s 35A.12.170 are  
31 each amended to read as follows:

32 All demands against a code city shall be presented and audited in  
33 accordance with such regulations as may be prescribed by charter or  
34 ordinance; and upon the allowance of a demand, the clerk shall draw a  
35 warrant upon the treasurer for it, which warrant shall be countersigned  
36 by the mayor, or such person as he or she may designate, and shall

1 specify the fund from which it is to be paid; or, payment may be made  
2 by a bank check when authorized by the legislative body of the code  
3 city under authority granted by RCW 35A.40.020, which check shall bear  
4 the signatures of the officers designated by the legislative body as  
5 required signatories of checks of such city, and shall specify the fund  
6 from which it is to be paid.

7 **Sec. 3016.** RCW 35A.13.010 and 1994 c 223 s 35 are each amended to  
8 read as follows:

9 The councilmembers shall be the only elective officers of a code  
10 city electing to adopt the council-manager plan of government  
11 authorized by this chapter, except where statutes provide for an  
12 elective municipal judge. The council shall appoint an officer whose  
13 title shall be "city manager" who shall be the chief executive officer  
14 and head of the administrative branch of the city government. The city  
15 manager shall be responsible to the council for the proper  
16 administration of all affairs of the code city. The council of a  
17 noncharter code city having less than twenty-five hundred inhabitants  
18 shall consist of five members; when there are twenty-five hundred or  
19 more inhabitants the council shall consist of seven members: PROVIDED,  
20 That if the population of a city after having become a code city  
21 decreases from twenty-five hundred or more to less than twenty-five  
22 hundred, it shall continue to have a seven member council. If, after  
23 a city has become a council-manager code city its population increases  
24 to twenty-five hundred or more inhabitants, the number of  
25 (~~councilmanic~~) council offices in such city may increase from five to  
26 seven members upon the affirmative vote of a majority of the existing  
27 council to increase the number of (~~councilmanic~~) council offices in  
28 the city. When the population of a council-manager code city having  
29 five (~~councilmanic~~) council offices increases to five thousand or  
30 more inhabitants, the number of (~~councilmanic~~) council offices in the  
31 city shall increase from five to seven members. In the event of an  
32 increase in the number of (~~councilmanic~~) council offices, the city  
33 council shall, by majority vote, pursuant to RCW 35A.13.020, appoint  
34 two persons to serve in these offices until the next municipal general  
35 election, at which election one person shall be elected for a two-year  
36 term and one person shall be elected for a four-year term. The number  
37 of inhabitants shall be determined by the most recent official state or

1 federal census or determination by the state office of financial  
2 management. A charter adopted under the provisions of this title,  
3 incorporating the council-manager plan of government set forth in this  
4 chapter may provide for an uneven number of councilmembers not  
5 exceeding eleven.

6 A noncharter code city of less than five thousand inhabitants which  
7 has elected the council-manager plan of government and which has seven  
8 (~~(councilmanic))~~ council offices may establish a five-member council in  
9 accordance with the following procedure. At least six months prior to  
10 a municipal general election, the city council shall adopt an ordinance  
11 providing for reduction in the number of (~~(councilmanic))~~ council  
12 offices to five. The ordinance shall specify which two  
13 (~~(councilmanic))~~ council offices, the terms of which expire at the next  
14 general election, are to be terminated. The ordinance shall provide  
15 for the renumbering of council positions and shall also provide for a  
16 two-year extension of the term of office of a retained (~~(councilmanic))~~  
17 council office, if necessary, in order to comply with RCW 35A.12.040.

18 However, a noncharter code city that has retained its old council-  
19 manager plan of government, as provided in RCW 35A.02.130, is subject  
20 to the laws applicable to that old plan of government.

21 **Sec. 3017.** RCW 35A.13.020 and 1994 c 223 s 36 are each amended to  
22 read as follows:

23 In council-manager code cities, eligibility for election to the  
24 council, the manner of electing (~~(councilmen))~~ councilmembers, the  
25 numbering of council positions, the terms of (~~(councilmen))~~  
26 councilmembers, the occurrence and the filling of vacancies, the  
27 grounds for forfeiture of office, and appointment of a mayor pro  
28 tempore or deputy mayor or (~~(councilman))~~ councilmember pro tempore  
29 shall be governed by the corresponding provisions of RCW 35A.12.030,  
30 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the  
31 council of a code city organized under the mayor-council plan, except  
32 that in council-manager cities where all council positions are at-large  
33 positions, the city council may, pursuant to RCW 35A.13.033, provide  
34 that the person elected to council position one shall be the council  
35 (~~(chairman))~~ chair and shall carry out the duties prescribed by RCW  
36 35A.13.030.

1       **Sec. 3018.** RCW 35A.13.030 and 1975 1st ex.s. c 155 s 2 are each  
2 amended to read as follows:

3       Biennially at the first meeting of the new council the members  
4 thereof shall choose a ((~~chairman~~)) chair from among their number  
5 unless the ((~~chairman~~)) chair is elected pursuant to RCW 35A.13.033.  
6 The ((~~chairman~~)) chair of the council shall have the title of mayor and  
7 shall preside at meetings of the council. In addition to the powers  
8 conferred upon him or her as mayor, he or she shall continue to have  
9 all the rights, privileges, and immunities of a member of the council.  
10 The mayor shall be recognized as the head of the city for ceremonial  
11 purposes and by the governor for purposes of military law. He or she  
12 shall have no regular administrative duties, but in time of public  
13 danger or emergency, if so authorized by ordinance, shall take command  
14 of the police, maintain law, and enforce order.

15       **Sec. 3019.** RCW 35A.13.033 and 1975 1st ex.s. c 155 s 3 are each  
16 amended to read as follows:

17       The city council of a council-manager city may by resolution place  
18 before the voters of the city, a proposition to designate the person  
19 elected to council position one as the ((~~chairman~~)) chair of the  
20 council with the powers and duties set forth in RCW 35A.13.030. If a  
21 majority of those voting on the proposition cast a positive vote, then  
22 at all subsequent general elections at which position one is on the  
23 ballot, the person who is elected to position one shall become the  
24 ((~~chairman~~)) chair upon taking office.

25       **Sec. 3020.** RCW 35A.13.035 and 1969 ex.s. c 81 s 1 are each amended  
26 to read as follows:

27       Biennially at the first meeting of a new council, or periodically,  
28 the members thereof, by majority vote, may designate one of their  
29 number as mayor pro tempore or deputy mayor for such period as the  
30 council may specify, to serve in the absence or temporary disability of  
31 the mayor; or, in lieu thereof, the council may, as the need may arise,  
32 appoint any qualified person to serve as mayor pro tempore in the  
33 absence or temporary disability of the mayor. In the event of the  
34 extended excused absence or disability of a ((~~councilman~~))  
35 councilmember, the remaining members by majority vote may appoint a

1 ((~~councilman~~)) councilmember pro tempore to serve during the absence or  
2 disability.

3 **Sec. 3021.** RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each  
4 amended to read as follows:

5 The salaries of the ((~~councilmen~~)) councilmembers, including the  
6 mayor, shall be fixed by ordinance and may be revised from time to time  
7 by ordinance, but any increase or reduction in the compensation  
8 attaching to an office shall not become effective until the expiration  
9 of the term then being served by the incumbent: PROVIDED, That  
10 compensation of ((~~councilmen~~)) councilmembers may not be increased or  
11 diminished after their election nor may the compensation of the mayor  
12 be increased or diminished after the mayor has been chosen by the  
13 council.

14 Until ((~~councilmen~~)) councilmembers of a newly organized council-  
15 manager code city may lawfully be paid as provided by salary ordinance,  
16 such ((~~councilmen~~)) councilmembers shall be entitled to compensation in  
17 the same manner and in the same amount as ((~~councilmen~~)) councilmembers  
18 of such city prior to the adoption of this council-manager plan.

19 Until a salary ordinance can be passed and become effective as to  
20 elective officers of a newly incorporated code city, the first  
21 ((~~councilmen~~)) councilmembers shall be entitled to compensation as  
22 follows: In cities having less than five thousand inhabitants--twenty  
23 dollars per meeting for not more than two meetings per month; in cities  
24 having more than five thousand but less than fifteen thousand  
25 inhabitants--a salary of one hundred and fifty dollars per calendar  
26 month; in cities having more than fifteen thousand inhabitants--a  
27 salary of four hundred dollars per calendar month. A ((~~councilman~~))  
28 councilmember who is occupying the position of mayor, in addition to  
29 his or her salary as a ((~~councilman~~)) councilmember, shall be entitled,  
30 while serving as mayor, to an additional amount per calendar month, or  
31 portion thereof, equal to twenty-five percent of the ((~~councilman~~))  
32 councilmember salary: PROVIDED, That such interim compensation shall  
33 remain in effect only until a salary ordinance is passed and becomes  
34 effective as to such officers, and the compensation provided herein  
35 shall not be construed as fixing the usual compensation of such  
36 officers. ((~~Councilmen~~)) Councilmembers shall receive reimbursement  
37 for their actual and necessary expenses incurred in the performance of

1 the duties of their office, or the council by ordinance may provide for  
2 a per diem allowance. Procedure for approval of claims for expenses  
3 shall be as provided by ordinance.

4 **Sec. 3022.** RCW 35A.13.050 and 1967 ex.s. c 119 s 35A.13.050 are  
5 each amended to read as follows:

6 The city manager need not be a resident at the time of his or her  
7 appointment, but shall reside in the code city after his or her  
8 appointment unless such residence is waived by the council. He or she  
9 shall be chosen by the council solely on the basis of his or her  
10 executive and administrative qualifications with special reference to  
11 his or her actual experience in, or his or her knowledge of, accepted  
12 practice in respect to the duties of his or her office. No person  
13 elected to membership on the council shall be eligible for appointment  
14 as city manager until one year has elapsed following the expiration of  
15 the term for which he or she was elected.

16 **Sec. 3023.** RCW 35A.13.060 and 1967 ex.s. c 119 s 35A.13.060 are  
17 each amended to read as follows:

18 Whether the city manager shall devote his or her full time to the  
19 affairs of one code city shall be determined by the council. A city  
20 manager may serve two or more cities in that capacity at the same time.

21 **Sec. 3024.** RCW 35A.13.070 and 1967 ex.s. c 119 s 35A.13.070 are  
22 each amended to read as follows:

23 Before entering upon the duties of his or her office the city  
24 manager shall take an oath or affirmation for the faithful performance  
25 of his or her duties and shall execute and file with the clerk of the  
26 council a bond in favor of the code city in such sum as may be fixed by  
27 the council. The premium on such bond shall be paid by the city.

28 **Sec. 3025.** RCW 35A.13.080 and 1987 c 3 s 17 are each amended to  
29 read as follows:

30 The powers and duties of the city manager shall be:

31 (1) To have general supervision over the administrative affairs of  
32 the code city;

33 (2) To appoint and remove at any time all department heads,  
34 officers, and employees of the code city, except members of the

1 council, and subject to the provisions of any applicable law, rule, or  
2 regulation relating to civil service: PROVIDED, That the council may  
3 provide for the appointment by the mayor, subject to confirmation by  
4 the council, of a city planning commission, and other advisory  
5 citizens' committees, commissions, and boards advisory to the city  
6 council: PROVIDED FURTHER, That if the municipal judge of the code  
7 city is appointed, such appointment shall be made by the city manager  
8 subject to confirmation by the council, for a four year term. The  
9 council may cause an audit to be made of any department or office of  
10 the code city government and may select the persons to make it, without  
11 the advice or consent of the city manager;

12 (3) To attend all meetings of the council at which his or her  
13 attendance may be required by that body;

14 (4) To see that all laws and ordinances are faithfully executed,  
15 subject to the authority which the council may grant the mayor to  
16 maintain law and order in times of emergency;

17 (5) To recommend for adoption by the council such measures as he or  
18 she may deem necessary or expedient;

19 (6) To prepare and submit to the council such reports as may be  
20 required by that body or as he or she may deem it advisable to submit;

21 (7) To keep the council fully advised of the financial condition of  
22 the code city and its future needs;

23 (8) To prepare and submit to the council a proposed budget for the  
24 fiscal year, as required by chapter 35A.33 RCW, and to be responsible  
25 for its administration upon adoption;

26 (9) To perform such other duties as the council may determine by  
27 ordinance or resolution.

28 **Sec. 3026.** RCW 35A.13.100 and 1967 ex.s. c 119 s 35A.13.100 are  
29 each amended to read as follows:

30 The city manager may authorize the head of a department or office  
31 responsible to him or her to appoint and remove subordinates in such  
32 department or office. Any officer or employee who may be appointed by  
33 the city manager, or by the head of a department or office, except one  
34 who holds his or her position subject to civil service, may be removed  
35 by the manager or other such appointing officer at any time subject to  
36 any applicable law, rule, or regulation relating to civil service.  
37 Subject to the provisions of RCW 35A.13.080 and any applicable civil

1 service provisions, the decision of the manager or other appointing  
2 officer, shall be final and there shall be no appeal therefrom to any  
3 other office, body, or court whatsoever.

4 **Sec. 3027.** RCW 35A.13.120 and 1967 ex.s. c 119 s 35A.13.120 are  
5 each amended to read as follows:

6 Neither the council, nor any of its committees or members, shall  
7 direct the appointment of any person to, or his or her removal from,  
8 office by the city manager or any of his or her subordinates. Except  
9 for the purpose of inquiry, the council and its members shall deal with  
10 the administrative service solely through the manager and neither the  
11 council nor any committee or member thereof shall give orders to any  
12 subordinate of the city manager, either publicly or privately. The  
13 provisions of this section do not prohibit the council, while in open  
14 session, from fully and freely discussing with the city manager  
15 anything pertaining to appointments and removals of city officers and  
16 employees and city affairs.

17 **Sec. 3028.** RCW 35A.13.130 and 1967 ex.s. c 119 s 35A.13.130 are  
18 each amended to read as follows:

19 The city manager shall be appointed for an indefinite term and may  
20 be removed by a majority vote of the council. At least thirty days  
21 before the effective date of his or her removal, the city manager must  
22 be furnished with a formal statement in the form of a resolution passed  
23 by a majority vote of the city council stating the council's intention  
24 to remove him or her and the reasons therefor. Upon passage of the  
25 resolution stating the council's intention to remove the manager, the  
26 council by a similar vote may suspend him or her from duty, but his or  
27 her pay shall continue until his or her removal becomes effective.

28 **Sec. 3029.** RCW 35A.13.140 and 1967 ex.s. c 119 s 35A.13.140 are  
29 each amended to read as follows:

30 The city manager may, within thirty days from the date of service  
31 upon him or her of a copy thereof, reply in writing to the resolution  
32 stating the council's intention to remove him or her. In the event no  
33 reply is timely filed, the resolution shall upon the thirty-first day  
34 from the date of such service, constitute the final resolution removing  
35 the manager and his or her services shall terminate upon that day. If

1 a reply shall be timely filed with the city clerk, the council shall  
2 fix a time for a public hearing upon the question of the manager's  
3 removal and a final resolution removing the manager shall not be  
4 adopted until a public hearing has been had. The action of the council  
5 in removing the manager shall be final.

6 **Sec. 3030.** RCW 35A.14.190 and 1967 ex.s. c 119 s 35A.14.190 are  
7 each amended to read as follows:

8 The members of each annexation review board shall elect from among  
9 the members a ((~~chairman~~)) chair and a vice ((~~chairman~~)) chair, and may  
10 employ a nonmember as chief clerk, who shall be the secretary of the  
11 board. The board shall determine its own rules and order of business,  
12 shall provide by resolution for the time and manner of holding regular  
13 or special meetings, and shall keep a journal of its proceedings which  
14 shall be a public record. A majority of all the members shall  
15 constitute a quorum for the transaction of business.

16 The chief clerk of the board, the ((~~chairman~~)) chair, or the vice  
17 ((~~chairman~~)) chair shall have the power to administer oaths and  
18 affirmations, certify to all official acts, issue subpoenas to any  
19 public officer or employee ordering him or her to testify before the  
20 board and produce public records, papers, books or documents. The  
21 chief clerk, the ((~~chairman~~)) chair or the vice ((~~chairman~~)) chair may  
22 invoke the aid of any court of competent jurisdiction to carry out such  
23 powers.

24 The planning departments of the county, other counties, and any  
25 city, and any state or regional planning agency shall furnish such  
26 information to the board at its request as may be reasonably necessary  
27 for the performance of its duties.

28 At the request of the board, the state attorney general shall  
29 provide counsel for the board.

30 **Sec. 3031.** RCW 35A.21.030 and 1967 ex.s. c 119 s 35A.21.030 are  
31 each amended to read as follows:

32 Except as otherwise provided in this title, every officer of a code  
33 city shall perform, in the manner provided, all duties of his or her  
34 office which are imposed by state law on officers of every other class  
35 of city who occupy a like position and perform like functions.

1       **Sec. 3032.** RCW 35A.33.010 and 1969 ex.s. c 81 s 2 are each amended  
2 to read as follows:

3       Unless the context clearly indicates otherwise, the following words  
4 as used in this chapter shall have the meaning herein prescribed:

5       (1) "Clerk" as used in this chapter includes the officer performing  
6 the functions of a finance or budget director, comptroller, auditor, or  
7 by whatever title he or she may be known in any code city.

8       (2) "Department" as used in this chapter includes each office,  
9 division, service, system or institution of the city for which no other  
10 statutory or charter provision is made for budgeting and accounting  
11 procedures or controls.

12       (3) "Council" as used in this chapter includes the commissioners in  
13 cities having a commission form of government and any other group of  
14 city officials serving as the legislative body of a code city.

15       (4) "Chief administrative officer" as used in this chapter includes  
16 the mayor of cities having a mayor-council form of government, the  
17 commissioners in cities having a commission form of government, the  
18 city manager, or any other city official designated by the charter or  
19 ordinances of such city under the plan of government governing the  
20 same, or the budget or finance officer designated by the mayor, manager  
21 or commissioners, to perform the functions, or portions thereof,  
22 contemplated by this chapter.

23       (5) "Fiscal year" as used in this chapter means that fiscal period  
24 set by the code city pursuant to authority given under RCW 1.16.030.

25       (6) "Fund", as used in this chapter and "funds" where clearly used  
26 to indicate the plural of "fund", shall mean the budgeting or  
27 accounting entity authorized to provide a sum of money for specified  
28 activities or purposes.

29       (7) "Funds" as used in this chapter where not used to indicate the  
30 plural of "fund" shall mean money in hand or available for expenditure  
31 or payment of a debt or obligation.

32       (8) Except as otherwise defined herein, municipal accounting terms  
33 used in this chapter have the meaning prescribed in "Governmental  
34 Accounting, Auditing and Financial Reporting" prepared by the National  
35 Committee on Governmental Accounting, 1968.

36       **Sec. 3033.** RCW 35A.33.052 and 1967 ex.s. c 119 s 35A.33.052 are  
37 each amended to read as follows:

1           The chief administrative officer shall prepare the preliminary  
2 budget in detail, making any revisions or addition to the reports of  
3 the department heads deemed advisable by such chief administrative  
4 officer and at least sixty days before the beginning of the city's next  
5 fiscal year he or\_she shall file it with the city clerk as the  
6 recommendation of the chief administrative officer for the final  
7 budget. The clerk shall provide a sufficient number of copies of such  
8 preliminary budget and budget message to meet the reasonable demands of  
9 taxpayers therefor and have them available for distribution not later  
10 than six weeks before the beginning of the city's next fiscal year.

11           **Sec. 3034.** RCW 35A.33.135 and 1967 ex.s. c 119 s 35A.33.135 are  
12 each amended to read as follows:

13           At a time fixed by the city's ordinance or charter, not later than  
14 the first Monday in October of each year, the chief administrative  
15 officer shall provide the city's legislative body with current  
16 information on estimates of revenues from all sources as adopted in the  
17 budget for the current year, together with estimates submitted by the  
18 clerk under RCW 35A.33.050. The city's legislative body and the city's  
19 administrative officer or his or\_her designated representative shall  
20 consider the city's total anticipated financial requirements for the  
21 ensuing fiscal year, and the legislative body shall determine and fix  
22 by ordinance the amount to be raised by ad valorem taxes. Upon  
23 adoption of the ordinance fixing the amount of ad valorem taxes to be  
24 levied, the clerk shall certify the same to the board of county  
25 commissioners as required by RCW 84.52.020.

26           **Sec. 3035.** RCW 35A.33.160 and 1967 ex.s. c 119 s 35A.33.160 are  
27 each amended to read as follows:

28           Upon the conviction of any city official, department head or other  
29 city employee of knowingly failing, or refusing, without just cause, to  
30 perform any duty imposed upon such officer or employee by this chapter,  
31 or city ordinance or charter, in connection with the giving of notice,  
32 the preparing and filing of estimates of revenues or expenditures or  
33 other information required for preparing a budget report in the time  
34 and manner required, or of knowingly making expenditures in excess of  
35 budget appropriations, he or\_she shall be guilty of a misdemeanor and

1 shall be fined not more than five hundred dollars for each separate  
2 violation.

3 **Sec. 3036.** RCW 35A.36.010 and 1967 ex.s. c 119 s 35A.36.010 are  
4 each amended to read as follows:

5 The mayor, finance officer, city clerk, or other officer of a code  
6 city who is authorized or required by law, charter, or ordinance to  
7 execute bonds of the city or any subdivision or district thereof may  
8 designate one or more bonded persons to affix such officer's signature  
9 to any bond or bonds requiring his or her signature. If the signature  
10 of one of these officers is affixed to a bond during his or her  
11 continuance in office by a proxy designated by him or her whose  
12 authority has not been revoked, the bond shall be as binding upon the  
13 city and all concerned as though the officer had signed the bond in  
14 person. This chapter shall apply to all bonds, whether they constitute  
15 obligations of the city as a whole or of any local improvement or other  
16 district or subdivision thereof, whether they call for payment from the  
17 general funds of the city or from a local, special or other fund, and  
18 whether negotiable or otherwise.

19 **Sec. 3037.** RCW 35A.36.050 and 1967 ex.s. c 119 s 35A.36.050 are  
20 each amended to read as follows:

21 A code city officer authorizing the affixing of his or her  
22 signature to a bond by a proxy shall be subject to the same liability  
23 personally and on his or her bond for any signature so affixed and to  
24 the same extent as if he or she had affixed his or her signature in  
25 person.

26 **Sec. 3038.** RCW 35A.36.060 and 1967 ex.s. c 119 s 35A.36.060 are  
27 each amended to read as follows:

28 In order to designate a proxy to affix his or her signature to  
29 bonds, a code city officer shall address a written notice to the  
30 legislative body of the city giving the name of the person whom he or  
31 she has selected therefor and stating generally or specifically what  
32 bonds are to be so signed.

33 Attached to or included in the notice shall be a written signature  
34 of the officer making the designation executed by the proposed proxy  
35 followed by the word "by" and his or her own signature; or, if the

1 notice so states, the specimen signatures may consist of a facsimile  
2 reproduction of the officer's signature impressed by some mechanical  
3 process followed by the word "by" and the proxy's own signature.

4 If the authority is intended to include the signature upon bonds  
5 bearing an earlier date than the effective date of the notice, the  
6 prior dated bonds must be specifically described by reasonable  
7 reference thereto.

8 The notice designating a proxy shall be filed with the city finance  
9 officer or city clerk, together with the specimen signatures attached  
10 thereto and a record of the filing shall be made in the journal of the  
11 legislative body. This record shall note the date and hour of filing  
12 and may be made by the official who keeps the journal at any time after  
13 the filing of the notice, even during a period of recess or adjournment  
14 of the legislative body. The notice shall be effective from the time  
15 of its recording.

16 **Sec. 3039.** RCW 35A.42.010 and 1987 c 331 s 78 are each amended to  
17 read as follows:

18 In addition to authority granted and duties imposed upon code city  
19 treasurers by this title, code city treasurers, or the officers  
20 designated by charter or ordinance to perform the duties of a  
21 treasurer, shall have the duties and the authority to perform the  
22 following: (1) As provided in RCW 8.12.500 relating to bonds and  
23 compensation payments in eminent domain proceedings; (2) as provided in  
24 RCW 68.52.050 relating to cemetery improvement funds; (3) as provided  
25 in RCW 41.28.080 relating to custody of employees' retirement funds;  
26 (4) as provided in RCW 47.08.100 relating to the use of city street  
27 funds; (5) as provided in RCW 46.68.080 relating to motor vehicle  
28 funds; (6) as provided in RCW 41.16.020 and chapter 41.20 RCW relating  
29 to police and (~~firemen's~~) firefighters' relief and pension boards;  
30 (7) as provided in chapter 42.20 RCW relating to misappropriation of  
31 funds; and (8) as provided in chapter 39.60 RCW relating to investment  
32 of municipal funds. The treasurer shall be subject to the penalties  
33 imposed for the violation of any of such provisions. Where a provision  
34 of this title, or the general law, names the city treasurer as an  
35 officer of a board or other body, or assigns duties to a city  
36 treasurer, such position shall be filled, or such duties performed, by

1 the officer of a code city who is performing the duties usually  
2 performed by a city treasurer, although he or she may not have that  
3 designation.

4 **Sec. 3040.** RCW 35A.42.030 and 1967 ex.s. c 119 s 35A.42.030 are  
5 each amended to read as follows:

6 In the event that the mayor, manager or other chief executive  
7 officer of any code city is unavailable by reason of enemy attack to  
8 exercise the powers and to discharge the duties of his or her office,  
9 his or her successor or substitute shall be selected in the manner  
10 provided by RCW 42.14.050 subject to rules and regulations providing  
11 for the appointment of temporary interim successors adopted under RCW  
12 42.14.070.

13 **Sec. 3041.** RCW 35A.63.020 and 1979 ex.s. c 18 s 33 are each  
14 amended to read as follows:

15 By ordinance a code city may create a planning agency and provide  
16 for its membership, organization, and expenses. The planning agency  
17 shall serve in an advisory capacity to the chief administrative officer  
18 or the legislative body, or both, as may be provided by ordinance and  
19 shall have such other powers and duties as shall be provided by  
20 ordinance. If any person or persons on a planning agency concludes  
21 that he or she has a conflict of interest or an appearance of fairness  
22 problem with respect to a matter pending before the agency so that he  
23 or she cannot discharge his or her duties on such an agency, he or she  
24 shall disqualify himself or herself from participating in the  
25 deliberations and the decision-making process with respect to the  
26 matter. If this occurs, the appointing authority that appoints such a  
27 person may appoint a person to serve as an alternate on the agency to  
28 serve in his or her stead in regard to such a matter.

29 **Sec. 3042.** RCW 35A.63.110 and 2001 c 200 s 1 are each amended to  
30 read as follows:

31 A code city which pursuant to this chapter creates a planning  
32 agency and which has twenty-five hundred or more inhabitants, by  
33 ordinance, shall create a board of adjustment and provide for its  
34 membership, terms of office, organization, jurisdiction. A code city  
35 which pursuant to this chapter creates a planning agency and which has

1 a population of less than twenty-five hundred may, by ordinance,  
2 similarly create a board of adjustment. In the event a code city with  
3 a population of less than twenty-five hundred creates a planning  
4 agency, but does not create a board of adjustment, the code city shall  
5 provide that the city legislative authority shall itself hear and  
6 decide the items listed in subdivisions (1), (2), and (3) of this  
7 section. The action of the board of adjustment shall be final and  
8 conclusive, unless, within twenty-one days from the date of the action,  
9 the original applicant or an adverse party makes application to the  
10 superior court for the county in which that city is located for a writ  
11 of certiorari, a writ of prohibition, or a writ of mandamus. No member  
12 of the board of adjustment shall be a member of the planning agency or  
13 the legislative body. Subject to conditions, safeguards, and  
14 procedures provided by ordinance, the board of adjustment may be  
15 empowered to hear and decide:

16 (1) Appeals from orders, recommendations, permits, decisions, or  
17 determinations made by a code city official in the administration or  
18 enforcement of the provisions of this chapter or any ordinances adopted  
19 pursuant to it.

20 (2) Applications for variances from the terms of the zoning  
21 ordinance, the official map ordinance or other land-use regulatory  
22 ordinances under procedures and conditions prescribed by city  
23 ordinance, which among other things shall provide that no application  
24 for a variance shall be granted unless the board of adjustment finds:

25 (a) the variance shall not constitute a grant of special privilege  
26 inconsistent with the limitation upon uses of other properties in the  
27 vicinity and zone in which the property on behalf of which the  
28 application was filed is located; and

29 (b) that such variance is necessary, because of special  
30 circumstances relating to the size, shape, topography, location, or  
31 surroundings of the subject property, to provide it with use rights and  
32 privileges permitted to other properties in the vicinity and in the  
33 zone in which the subject property is located; and

34 (c) that the granting of such variance will not be materially  
35 detrimental to the public welfare or injurious to the property or  
36 improvements in the vicinity and zone in which the subject property is  
37 situated.

1 (3) Applications for conditional-use permits, unless such  
2 applications are to be heard and decided by the planning agency. A  
3 conditional use means a use listed among those classified in any given  
4 zone but permitted to locate only after review as herein provided in  
5 accordance with standards and criteria set forth in the zoning  
6 ordinance.

7 (4) Such other quasi judicial and administrative determinations as  
8 may be delegated by ordinance.

9 In deciding any of the matters referred to in subsections (1), (2),  
10 (3), and (4) of this section, the board of adjustment shall issue a  
11 written report giving the reasons for its decision. If a code city  
12 provides for a hearing examiner and vests in him or her the authority  
13 to hear and decide the items listed in subdivisions (1), (2), and (3)  
14 of this section pursuant to RCW 35A.63.170, then the provisions of this  
15 section shall not apply to such a city.

#### 16 PART IV

17 **Sec. 4001.** RCW 36.08.020 and 1963 c 4 s 36.08.020 are each amended  
18 to read as follows:

19 The election shall be conducted in all respects as general  
20 elections are conducted under the laws governing general elections, in  
21 so far as they may be applicable, except that there shall be triplicate  
22 returns made, one to each of the respective county auditors and another  
23 to the office of the secretary of state. The ballots used at such  
24 election shall contain the words "for transferring territory," or  
25 "against transferring territory." The votes shall be canvassed, as by  
26 law required, within twenty days, and if three-fifths of the votes cast  
27 in the territory at such election are "for transferring territory," the  
28 territory described in the petition shall become a part of and be added  
29 to and made a part of the county contiguous thereto, and within thirty  
30 days after the canvass of the returns of the election, the governor  
31 shall issue his or her proclamation of the change of county lines.

32 **Sec. 4002.** RCW 36.08.070 and 1963 c 4 s 36.08.070 are each amended  
33 to read as follows:

34 If the board of appraisers and adjusters do not agree on any

1 subject, value, or settlement, they shall choose a third (~~man~~) person  
2 from an adjoining county to settle their differences, and the decision  
3 thus arrived at shall be final.

4 **Sec. 4003.** RCW 36.08.090 and 1963 c 4 s 36.08.090 are each amended  
5 to read as follows:

6 The county auditor of the county to which any territory may be  
7 transferred may take transcripts of all records, books, papers, etc.,  
8 on file in the office of the county auditor of the county from which  
9 the territory has been transferred, which may be necessary to perfect  
10 the records of his or her county, and for this purpose he or she shall  
11 have access to the records of the county from which such territory is  
12 stricken, free of cost.

13 **Sec. 4004.** RCW 36.09.020 and 1963 c 4 s 36.09.020 are each amended  
14 to read as follows:

15 The auditor of the old county shall give the auditor of the new  
16 county reasonable notice to meet him or her on a certain day at the  
17 county seat of the old county, or at some other convenient place, to  
18 settle upon and fix the amount which the new county shall pay. In  
19 doing so, they shall not charge either county with any share of debts  
20 arising from the erection of public buildings, or out of the  
21 construction of roads or bridges which shall be and remain, after the  
22 division, within the limits of the other county, and of the other debts  
23 they shall apportion to each county such a share of the indebtedness as  
24 may be just and equitable, taking into consideration the population of  
25 such portion of territory so forming a part of the said counties while  
26 so united, and also the relative advantages, derived from the old  
27 county organization.

28 **Sec. 4005.** RCW 36.09.040 and 1963 c 4 s 36.09.040 are each amended  
29 to read as follows:

30 The auditor of the county indebted upon such decision shall give to  
31 the auditor of the other county his or her order upon the treasurer for  
32 the amount to be paid out of the proper fund, as in other cases, and  
33 also make out a transfer of such property as shall be assigned to  
34 either county.

1       **Sec. 4006.** RCW 36.13.040 and 1963 c 4 s 36.13.040 are each amended  
2 to read as follows:

3       All persons resident in the county, having knowledge of the facts,  
4 shall give the information required herein to any duly authorized  
5 census enumerator when requested by him or her.

6       **Sec. 4007.** RCW 36.16.040 and 1963 c 4 s 36.16.040 are each amended  
7 to read as follows:

8       Every person elected to county office shall before he or she enters  
9 upon the duties of his or her office take and subscribe an oath or  
10 affirmation that he or she will faithfully and impartially discharge  
11 the duties of his or her office to the best of his or her ability.  
12 This oath, or affirmation, shall be administered and certified by an  
13 officer authorized to administer oaths, without charge therefor.

14       **Sec. 4008.** RCW 36.16.060 and 1963 c 4 s 36.16.060 are each amended  
15 to read as follows:

16       Every county officer, before entering upon the duties of his or her  
17 office, shall file his or her oath of office in the office of the  
18 county auditor and his or her official bond in the office of the county  
19 clerk: PROVIDED, That the official bond of the county clerk, after  
20 first being recorded by the county auditor, shall be filed in the  
21 office of the county treasurer.

22       Oaths and bonds of deputies shall be filed in the offices in which  
23 the oaths and bonds of their principals are required to be filed.

24       **Sec. 4009.** RCW 36.16.070 and 1969 ex.s. c 176 s 92 are each  
25 amended to read as follows:

26       In all cases where the duties of any county office are greater than  
27 can be performed by the person elected to fill it, the officer may  
28 employ deputies and other necessary employees with the consent of the  
29 board of county commissioners. The board shall fix their compensation  
30 and shall require what deputies shall give bond and the amount of bond  
31 required from each. The sureties on deputies' bonds must be approved  
32 by the board and the premium therefor is a county expense.

33       A deputy may perform any act which his or her principal is  
34 authorized to perform. The officer appointing a deputy or other

1 employee shall be responsible for the acts of his or her appointees  
2 upon his or her official bond and may revoke each appointment at  
3 pleasure.

4 **Sec. 4010.** RCW 36.16.087 and 1963 c 4 s 36.16.087 are each amended  
5 to read as follows:

6 In all cases in which the county treasurer of any county in the  
7 state of Washington shall have executed a tax deed or deeds prior to  
8 February 21, 1903, either to his or her county or to any private person  
9 or persons or corporation whomsoever, said deed or deeds shall not be  
10 deemed invalid by reason of the county treasurer who executed the same  
11 not having affixed a seal of office to the same, or having affixed a  
12 seal not an official seal; nor shall said deed or deeds be deemed  
13 invalid by reason of the fact that at the date of the execution of said  
14 deed or deeds there was in the state of Washington no statute providing  
15 for an official seal for the office of county treasurer.

16 **Sec. 4011.** RCW 36.16.120 and 1963 c 4 s 36.16.120 are each amended  
17 to read as follows:

18 All county officers shall complete the business of their offices,  
19 to the time of the expiration of their respective terms, and in case  
20 any officer, at the close of his or her term, leaves to his or her  
21 successor official labor to be performed, which it was his or her duty  
22 to perform, he or she shall be liable to his or her successor for the  
23 full value of such services.

24 **\*Sec. 4012.** RCW 36.17.045 and 1963 c 164 s 3 are each amended to  
25 read as follows:

26 ***Employees of the counties shall have the right to voluntarily***  
27 ***authorize the monthly deduction of their pledges to the United Good***  
28 ***Neighbor or its successor, monthly payment to a credit unit, and***  
29 ***monthly dues to a labor union, from their salaries or wages. When such***  
30 ***written authorization is received by the county auditor, he or she***  
31 ***shall make such monthly deduction.***

\*Sec. 4012 was vetoed. See message at end of chapter.

32 **\*Sec. 4013.** RCW 36.17.050 and 1999 c 71 s 3 are each amended to  
33 read as follows:

34 ***The auditor shall not draw his or her warrant for the salary of any***

1 *officer until the latter shall have first filed his or her duplicate*  
2 *receipt with the auditor, properly signed by the treasurer, showing he*  
3 *or she has made the last required monthly statement and settlement. If*  
4 *the superior court issues a declaratory judgment under RCW 36.16.125*  
5 *finding that a county officer has abandoned his or her duties, the*  
6 *county officer may not be paid a salary.*

*\*Sec. 4013 was vetoed. See message at end of chapter.*

7 **Sec. 4014.** RCW 36.18.030 and 1963 c 4 s 36.18.030 are each amended  
8 to read as follows:

9 Coroners shall collect for their official services, the following  
10 fees:

11 For each inquest held, besides mileage, twenty dollars.

12 For issuing a venire, two dollars.

13 For drawing all necessary writings, two dollars for first page and  
14 one dollar for each page thereafter.

15 For mileage each way, per mile, ten cents.

16 For performing the duties of a sheriff, he or she shall receive the  
17 same fees as a sheriff would receive for the same service.

18 **Sec. 4015.** RCW 36.18.050 and 1963 c 4 s 36.18.050 are each amended  
19 to read as follows:

20 Every officer who shall be called on or required to perform service  
21 for which no fees or compensation are provided for in this chapter  
22 shall be allowed fees similar and equal to those allowed him or her for  
23 services of the same kind for which allowance is made herein.

24 **Sec. 4016.** RCW 36.18.060 and 1981 c 194 s 2 are each amended to  
25 read as follows:

26 The officers mentioned in this chapter except the county sheriff  
27 shall not, in any case, except for the state or county, perform any  
28 official services unless the fees prescribed therefor are paid in  
29 advance, and on such payment the officer must perform the services  
30 required. The county sheriff may allow payment to be made after  
31 official services have been performed as the sheriff deems appropriate.  
32 For every failure or refusal to perform official duty when the fees are  
33 tendered, the officer is liable on his or her official bond.

1       **Sec. 4017.** RCW 36.18.070 and 1963 c 4 s 36.18.070 are each amended  
2 to read as follows:

3       When any sheriff, constable or coroner serves more than one process  
4 in the same cause or on the same person not requiring more than one  
5 journey from his or her office, he or she shall receive mileage only  
6 for the most distant service.

7       **Sec. 4018.** RCW 36.18.080 and 1963 c 4 s 36.18.080 are each amended  
8 to read as follows:

9       Every county officer entitled to collect fees from the public shall  
10 keep posted in his or her office a plain and legible statement of the  
11 fees allowed by law and failure so to do shall subject the officer to  
12 a fine of one hundred dollars and costs, to be recovered in any court  
13 of competent jurisdiction.

14       **Sec. 4019.** RCW 36.18.090 and 1963 c 4 s 36.18.090 are each amended  
15 to read as follows:

16       Every officer, when requested so to do, shall make out a bill of  
17 his or her fees in every case, and for any services, specifying each  
18 particular item thereof, and receipt the same when it is paid, which  
19 bill of fees shall always be subject to examination and correction by  
20 the courts. Any officer who fails to comply with the requirements of  
21 this section shall be liable to the person paying the fees in treble  
22 the amount so paid.

23       ***\*Sec. 4020.** RCW 36.18.130 and 1963 c 4 s 36.18.130 are each amended  
24 to read as follows:*

25       ***If any errors or irregularities are found by the checking officer  
26 he or she shall immediately notify the officer interested, and if  
27 within three days after such notification the errors or irregularities  
28 are not corrected by such officer, the checking officer shall notify  
29 the board of county commissioners in writing and upon receipt of such  
30 notification the board shall proceed against such officer in the manner  
31 provided by law.***

*\*Sec. 4020 was vetoed. See message at end of chapter.*

32       **Sec. 4021.** RCW 36.18.160 and 1963 c 4 s 36.18.160 are each amended  
33 to read as follows:

34       If any officer takes more or greater fees than are allowed by law

1 he or she shall be subject to prosecution, and on conviction, shall be  
2 removed from office and fined in a sum not exceeding one thousand  
3 dollars.

4 **Sec. 4022.** RCW 36.18.180 and 1963 c 4 s 36.18.180 are each amended  
5 to read as follows:

6 The board of county commissioners of any county in this state, upon  
7 receiving a certified copy of the record of conviction of any officer  
8 for receiving illegal fees, or where the officer collects fees and  
9 fails to account for the same, upon proof thereof must declare his or  
10 her office vacant and appoint his or her successor.

11 **Sec. 4023.** RCW 36.22.030 and 1963 c 4 s 36.22.030 are each amended  
12 to read as follows:

13 Auditors and their deputies may administer oaths necessary in the  
14 performance of their duties and in all other cases where oaths are  
15 required by law to be administered and take acknowledgments of deeds  
16 and other instruments in writing: PROVIDED, That any deputy county  
17 auditor, in administering such oath or taking such acknowledgment,  
18 shall certify to the same in his or her own name as deputy, and not in  
19 the name of his or her principal, and shall attach thereto the seal of  
20 the office: PROVIDED, That all oaths administered or acknowledgments  
21 taken by any deputy of any county auditor certifying to the same in the  
22 name of his or her principal by himself or herself as such deputy,  
23 prior to the taking effect of chapter 119, Laws of 1893 be and the same  
24 are hereby legalized and made valid and binding.

25 **Sec. 4024.** RCW 36.22.040 and 1963 c 4 s 36.22.040 are each amended  
26 to read as follows:

27 The county auditor shall audit all claims, demands, and accounts  
28 against the county which by law are chargeable to the county, except  
29 such cost or fee bills as are by law to be examined or approved by some  
30 other judicial tribunal or officer. Such claims as it is his or her  
31 duty to audit shall be presented to the board of county commissioners  
32 for their examination and allowance.

33 **Sec. 4025.** RCW 36.22.050 and 1975 c 31 s 1 are each amended to  
34 read as follows:

1 For claims allowed by the county commissioners, and also for cost  
2 bills and other lawful claims duly approved by the competent tribunal  
3 designated by law for their allowance, he or she shall draw a warrant  
4 on the county treasurer, made payable to the claimant or his or her  
5 order, bearing date from the time of and regularly numbered in the  
6 order of their issue. If there is not sufficient cash in the county  
7 treasury to cover such claims or cost bills, or if a claimant requests,  
8 the auditor may issue a number of smaller warrants, the total principal  
9 amounts of which shall equal the amount of said claim or cost bill.

10 **Sec. 4026.** RCW 36.22.120 and 1963 c 4 s 36.22.120 are each amended  
11 to read as follows:

12 In case the auditor is unable to attend to the duties of his or her  
13 office during any session of the board of county commissioners, and has  
14 no deputy by him or her appointed in attendance, the board may  
15 temporarily appoint a suitable person not by law disqualified from  
16 acting as such to perform the auditor's duties.

17 **Sec. 4027.** RCW 36.22.150 and 1963 c 4 s 36.22.150 are each amended  
18 to read as follows:

19 Each auditor, on retiring from office, shall deliver to his or her  
20 successor the seal of office and all the books, records, and  
21 instruments of writing belonging to the office, and take his or her  
22 receipt therefor. In case of the death of the auditor, his or her  
23 legal representatives shall deliver over the seal, books, records and  
24 papers.

25 **Sec. 4028.** RCW 36.23.020 and 1963 c 4 s 36.23.020 are each amended  
26 to read as follows:

27 When the judge or judges of any court, or a majority of them,  
28 believe that the clerk of the court does not have a good and sufficient  
29 bond on file, or that the bond is not large enough in amount, such  
30 judge or judges shall enter an order requiring him or her, within such  
31 time as may be specified in the order, to execute and present to them  
32 a good and sufficient bond, in such sum as may be fixed by the order.  
33 In case of his or her failure to file the bond within ten days from the  
34 expiration of the date fixed the judge or judges shall declare the  
35 office vacant.

1           **Sec. 4029.** RCW 36.23.040 and 1963 c 4 s 36.23.040 are each amended  
2 to read as follows:

3           The clerk shall be responsible for the safe custody and delivery to  
4 his or her successor of all books and papers belonging to his or her  
5 office.

6           *\*Sec. 4030. RCW 36.23.080 and 1963 c 4 s 36.23.080 are each amended*  
7 *to read as follows:*

8           *The office of the clerk of the superior court shall be kept at the*  
9 *county seat of the county of which he or she is clerk.*

*\*Sec. 4030 was vetoed. See message at end of chapter.*

10           **Sec. 4031.** RCW 36.24.010 and 1963 c 4 s 36.24.010 are each amended  
11 to read as follows:

12           The coroner shall perform the duties of the sheriff in all cases  
13 where the sheriff is interested or otherwise incapacitated from  
14 serving; and whenever the coroner acts as sheriff he or she shall  
15 possess the powers and perform all the duties of sheriff, and shall be  
16 liable on his or her official bond in like manner as the sheriff would  
17 be, and shall be entitled to the same fees as are allowed by law to the  
18 sheriff for similar services: PROVIDED, That nothing herein contained  
19 shall prevent the court from appointing a suitable person to discharge  
20 such duties, as provided by RCW 36.28.090.

21           **Sec. 4032.** RCW 36.24.020 and 1988 c 188 s 18 are each amended to  
22 read as follows:

23           Any coroner, in his or her discretion, may hold an inquest if the  
24 coroner suspects that the death of a person was unnatural, or violent,  
25 or resulted from unlawful means, or from suspicious circumstances, or  
26 was of such a nature as to indicate the possibility of death by the  
27 hand of the deceased or through the instrumentality of some other  
28 person: PROVIDED, That, except under suspicious circumstances, no  
29 inquest shall be held following a traffic death.

30           The coroner in the county where an inquest is to be convened  
31 pursuant to this chapter shall notify the superior court to provide  
32 persons to serve as a jury of inquest to hear all the evidence  
33 concerning the death and to inquire into and render a true verdict on  
34 the cause of death. Jurors shall be selected and summoned in the same  
35 manner and shall have the same qualifications as specified in chapter

1 2.36 RCW. The prosecuting attorney having jurisdiction shall be  
2 notified in advance of any such inquest to be held, and at his or her  
3 discretion may be present at and assist the coroner in the conduct of  
4 the same. The coroner may adjourn the inquest from time to time as he  
5 or she may deem necessary.

6 The costs of inquests shall be borne by the county in which the  
7 inquest is held.

8 **Sec. 4033.** RCW 36.24.040 and 1963 c 4 s 36.24.040 are each amended  
9 to read as follows:

10 When four or more of the jurors attend, they shall be sworn by the  
11 coroner to inquire who the person was, and when, where, and by what  
12 means he or she came to his or her death, and into the circumstances  
13 attending his or her death, and to render a true verdict therein,  
14 according to the evidence afforded them, or arising from the inspection  
15 of the body.

16 **Sec. 4034.** RCW 36.24.070 and 1963 c 4 s 36.24.070 are each amended  
17 to read as follows:

18 After hearing the testimony, the jury shall render its verdict and  
19 certify the same in writing signed by the jurors, and setting forth who  
20 the person killed is, if known, and when, where and by what means he or  
21 she came to his or her death; or if he or she was killed, or his or her  
22 death was occasioned by the act of another by criminal means, who is  
23 guilty thereof, if known.

24 **Sec. 4035.** RCW 36.24.080 and 1963 c 4 s 36.24.080 are each amended  
25 to read as follows:

26 In all cases where murder or manslaughter is supposed to have been  
27 committed, the testimony of witnesses taken before the coroner's jury  
28 shall be reduced to writing by the coroner, or under his or her  
29 direction, and he or she shall also recognize such witnesses to appear  
30 and testify in the superior court of the county, and shall forthwith  
31 file the written testimony, inquisition, and recognizance with the  
32 clerk of such court.

33 **Sec. 4036.** RCW 36.24.090 and 1963 c 4 s 36.24.090 are each amended  
34 to read as follows:

1 If the person charged with the commission of the offense has been  
2 arrested before the inquisition has been filed, the coroner shall  
3 deliver the recognizance and the inquisition, with the testimony taken,  
4 to the magistrate before whom such person may be brought, who shall  
5 return the same, with the depositions and statements taken before him  
6 or her to the clerk of the superior court of the county.

7 **Sec. 4037.** RCW 36.24.110 and 1963 c 4 s 36.24.110 are each amended  
8 to read as follows:

9 The coroner's warrant shall be in substantially the following form:

10 State of Washington, }  
11 } ss.  
12 County of..... }  
13 To any sheriff or constable of the county.  
14 An inquisition having been this day found by the  
15 coroner's jury, before me, stating that A B has come to his  
16 or her death by the act of C D, by criminal means (or as the  
17 case may be, as found by the inquisition), you are therefore  
18 commanded, in the name of the state of Washington,  
19 forthwith to arrest the above named C D, and take him or  
20 her before the nearest or most accessible magistrate in this  
21 county.  
22 Given under my hand this . . . . day of . . . . ., A.D.  
23 19. . .  
24 E F, coroner of the county of . . . . .

25 **Sec. 4038.** RCW 36.24.155 and 1969 ex.s. c 259 s 2 are each amended  
26 to read as follows:

27 Whenever anyone shall die within a county without making prior  
28 plans for the disposition of his or her body and there is no other  
29 person willing to provide for the disposition of the body, the county  
30 coroner shall cause such body to be entrusted to a funeral home in the  
31 county where the body is found. Disposition shall be on a rotation  
32 basis, which shall treat equally all funeral homes or mortuaries  
33 desiring to participate, such rotation to be established by the coroner  
34 after consultation with representatives of the funeral homes or  
35 mortuaries in the county or counties involved.

1       **Sec. 4039.** RCW 36.24.170 and 1963 c 4 s 36.24.170 are each amended  
2 to read as follows:

3       The coroner shall not appear or practice as attorney in any court,  
4 except in defense of himself or herself or his or her deputies.

5       **Sec. 4040.** RCW 36.24.180 and 1963 c 4 s 36.24.180 are each amended  
6 to read as follows:

7       Before auditing and allowing the account of the coroner the board  
8 of county commissioners shall require from him or her a verified  
9 statement in writing, accounting for all money or other property found  
10 upon persons on whom inquests have been held by him or her, and that  
11 the money or property mentioned in it has been delivered to the legal  
12 representatives of the deceased, or to the county treasurer.

13       **Sec. 4041.** RCW 36.26.050 and 1969 c 94 s 5 are each amended to  
14 read as follows:

15       The public defender shall make an annual report to each board of  
16 county commissioners within his or her district. If any public  
17 defender district embraces more than one county or a cooperating city,  
18 the public defender shall maintain records of expenses allocable to  
19 each county or city within the district, and shall charge such expenses  
20 only against the county or city for which the services were rendered or  
21 the costs incurred. The boards of county commissioners of counties and  
22 the governing authority of any city participating jointly in a public  
23 defender district are authorized to provide for the sharing of the  
24 costs of the district by mutual agreement, for any costs which cannot  
25 be specifically apportioned to any particular county or city within the  
26 district.

27       Expenditures by the public defender shall be subject to the  
28 provisions of chapter 36.40 RCW and other statutes relating to  
29 expenditures by counties or cities.

30       **Sec. 4042.** RCW 36.26.060 and 1969 c 94 s 6 are each amended to  
31 read as follows:

32       (1) The board of county commissioners shall:

33       (a) Fix the compensation of the public defender and of any staff  
34 appointed to assist him or her in the discharge of his or her duties:

1 PROVIDED, That the compensation of the public defender shall not exceed  
2 that of the county prosecutor in those districts which comprise only  
3 one county;

4 (b) Provide office space, furniture, equipment and supplies for the  
5 use of the public defender suitable for the conduct of his or her  
6 office in the discharge of his or her duties, or provide an allowance  
7 in lieu of facilities and supplies.

8 (2) The public defender may appoint as many assistant attorney  
9 public defenders, clerks, investigators, stenographers and other  
10 employees as the board of county commissioners considers necessary in  
11 the discharge of his or her duties as a public defender.

12 **Sec. 4043.** RCW 36.26.070 and 1984 c 76 s 18 are each amended to  
13 read as follows:

14 The public defender must represent, without charge to any accused,  
15 every indigent person who is or has been arrested or charged with a  
16 crime for which court appointed counsel for indigent defendants is  
17 required either under the Constitution of the United States or under  
18 the Constitution and laws of the state of Washington:

19 (1) If such arrested person or accused, having been apprised of his  
20 or her constitutional and statutory rights to counsel, requests the  
21 appointment of counsel to represent him or her; and

22 (2) If a court, on its own motion or otherwise, does not appoint  
23 counsel to represent the accused; and

24 (3) Unless the arrested person or accused, having been apprised of  
25 his or her right to counsel in open court, affirmatively rejects or  
26 intelligently repudiates his or her constitutional and statutory rights  
27 to be represented by counsel.

28 **Sec. 4044.** RCW 36.26.080 and 1969 c 94 s 8 are each amended to  
29 read as follows:

30 Whenever the public defender represents any indigent person held in  
31 custody without commitment or charged with any criminal offense, he or  
32 she must (1) counsel and defend such person, and (2) prosecute any  
33 appeals and other remedies, whether before or after conviction, which  
34 he or she considers to be in the interests of justice.

1       **Sec. 4045.** RCW 36.27.010 and 1963 c 4 s 36.27.010 are each amended  
2 to read as follows:

3       No person shall be eligible to the office of prosecuting attorney  
4 in any county of this state, unless he or she is a qualified elector  
5 therein, and has been admitted as an attorney and counselor of the  
6 courts of this state.

7       **Sec. 4046.** RCW 36.27.030 and 1963 c 4 s 36.27.030 are each amended  
8 to read as follows:

9       When from illness or other cause the prosecuting attorney is  
10 temporarily unable to perform his or her duties, the court or judge may  
11 appoint some qualified person to discharge the duties of such officer  
12 in court until the disability is removed.

13       When any prosecuting attorney fails, from sickness or other cause,  
14 to attend a session of the superior court of his or her county, or is  
15 unable to perform his or her duties at such session, the court or judge  
16 may appoint some qualified person to discharge the duties of such  
17 session, and the appointee shall receive a compensation to be fixed by  
18 the court, to be deducted from the stated salary of the prosecuting  
19 attorney, not exceeding, however, one-fourth of the quarterly salary of  
20 the prosecuting attorney: PROVIDED, That in counties wherein there is  
21 no person qualified for the position of prosecuting attorney, or  
22 wherein no qualified person will consent to perform the duties of that  
23 office, the judge of the superior court shall appoint some suitable  
24 person, a duly admitted and practicing attorney-at-law and resident of  
25 the state to perform the duties of prosecuting attorney for such  
26 county, and he or she shall receive such reasonable compensation for  
27 his or her services as shall be fixed and ordered by the court, to be  
28 paid by the county for which the services are performed.

29       **Sec. 4047.** RCW 36.27.040 and 2000 c 23 s 2 are each amended to  
30 read as follows:

31       The prosecuting attorney may appoint one or more deputies who shall  
32 have the same power in all respects as their principal. Each  
33 appointment shall be in writing, signed by the prosecuting attorney,  
34 and filed in the county auditor's office. Each deputy thus appointed  
35 shall have the same qualifications required of the prosecuting  
36 attorney, except that such deputy need not be a resident of the county

1 in which he or she serves. The prosecuting attorney may appoint one or  
2 more special deputy prosecuting attorneys upon a contract or fee basis  
3 whose authority shall be limited to the purposes stated in the writing  
4 signed by the prosecuting attorney and filed in the county auditor's  
5 office. Such special deputy prosecuting attorney shall be admitted to  
6 practice as an attorney before the courts of this state but need not be  
7 a resident of the county in which he or she serves and shall not be  
8 under the legal disabilities attendant upon prosecuting attorneys or  
9 their deputies except to avoid any conflict of interest with the  
10 purpose for which he or she has been engaged by the prosecuting  
11 attorney. The prosecuting attorney shall be responsible for the acts  
12 of his or her deputies and may revoke appointments at will.

13 Two or more prosecuting attorneys may agree that one or more  
14 deputies for any one of them may serve temporarily as deputy for any  
15 other of them on terms respecting compensation which are acceptable to  
16 said prosecuting attorneys. Any such deputy thus serving shall have  
17 the same power in all respects as if he or she were serving  
18 permanently.

19 The provisions of chapter 39.34 RCW shall not apply to such  
20 agreements.

21 The provisions of RCW 41.56.030(2) shall not be interpreted to  
22 permit a prosecuting attorney to alter the at-will relationship  
23 established between the prosecuting attorney and his or her appointed  
24 deputies by this section for a period of time exceeding his or her term  
25 of office. Neither shall the provisions of RCW 41.56.030(2) require a  
26 prosecuting attorney to alter the at-will relationship established by  
27 this section.

28 **Sec. 4048.** RCW 36.27.050 and 1963 c 4 s 36.27.050 are each amended  
29 to read as follows:

30 No prosecuting attorney shall receive any fee or reward from any  
31 person, on behalf of any prosecution, or for any of his or her official  
32 services, except as provided in this title, nor shall he or she be  
33 engaged as attorney or counsel for any party in any action depending  
34 upon the same facts involved in any criminal proceeding.

35 **Sec. 4049.** RCW 36.27.070 and 1963 c 4 s 36.27.070 are each amended  
36 to read as follows:

1 The prosecuting attorney of each county in the state of Washington  
2 must keep an office at the county seat of the county of which he or she  
3 is prosecuting attorney.

4 **Sec. 4050.** RCW 36.28.010 and 1965 c 92 s 1 are each amended to  
5 read as follows:

6 The sheriff is the chief executive officer and conservator of the  
7 peace of the county. In the execution of his or her office, he or she  
8 and his or her deputies:

9 (1) Shall arrest and commit to prison all persons who break the  
10 peace, or attempt to break it, and all persons guilty of public  
11 offenses;

12 (2) Shall defend the county against those who, by riot or  
13 otherwise, endanger the public peace or safety;

14 (3) Shall execute the process and orders of the courts of justice  
15 or judicial officers, when delivered for that purpose, according to  
16 law;

17 (4) Shall execute all warrants delivered for that purpose by other  
18 public officers, according to the provisions of particular statutes;

19 (5) Shall attend the sessions of the courts of record held within  
20 the county, and obey their lawful orders or directions;

21 (6) Shall keep and preserve the peace in their respective counties,  
22 and quiet and suppress all affrays, riots, unlawful assemblies and  
23 insurrections, for which purpose, and for the service of process in  
24 civil or criminal cases, and in apprehending or securing any person for  
25 felony or breach of the peace, they may call to their aid such persons,  
26 or power of their county as they may deem necessary.

27 **Sec. 4051.** RCW 36.28.020 and 1963 c 4 s 36.28.020 are each amended  
28 to read as follows:

29 Every deputy sheriff shall possess all the power, and may perform  
30 any of the duties, prescribed by law to be performed by the sheriff,  
31 and shall serve or execute, according to law, all process, writs,  
32 precepts, and orders, issued by lawful authority.

33 Persons may also be deputed by the sheriff in writing to do  
34 particular acts; including the service of process in civil or criminal  
35 cases, and the sheriff shall be responsible on his or her official bond  
36 for their default or misconduct.

1       **Sec. 4052.** RCW 36.28.030 and 1963 c 4 s 36.28.030 are each amended  
2 to read as follows:

3       Whenever the company acting as surety on the official bond of a  
4 sheriff is disqualified, insolvent, or the penalty of the bond becomes  
5 insufficient on account of recovery had thereon, or otherwise, the  
6 sheriff shall submit a new or additional bond for approval to the board  
7 of county commissioners, if in session, or, if not in session, for the  
8 approval of the ((~~chairman~~)) chair of such board, and file the same,  
9 when approved, in the office of the county clerk of his or her county,  
10 and such new or additional bond shall be in a penal sum sufficient in  
11 amount to equal the sum specified in the original bond when added to  
12 the penalty of any existing bond, so that under one or more bonds there  
13 shall always be an enforceable obligation of the surety on the official  
14 bond or bonds of the sheriff in a penal sum of not less than the amount  
15 of the bond as originally approved.

16       **Sec. 4053.** RCW 36.28.040 and 1963 c 4 s 36.28.040 are each amended  
17 to read as follows:

18       No sheriff, deputy sheriff, or coroner shall be liable for any  
19 damages for neglecting or refusing to serve any civil process unless  
20 his or her legal fees are first tendered him or her.

21       **Sec. 4054.** RCW 36.28.050 and 1963 c 4 s 36.28.050 are each amended  
22 to read as follows:

23       If any property levied upon by virtue of any writ of attachment or  
24 execution or other order issued to the sheriff out of any court in this  
25 state is claimed by any person other than the defendant, and such  
26 person or his or her agent or attorney makes affidavit of his or her  
27 title thereto or his or her right to possession thereof, stating the  
28 value thereof and the basis of such right or title, the sheriff may  
29 release such levy, unless the plaintiff on demand indemnifies the  
30 sheriff against such claim by an undertaking executed by a sufficient  
31 surety.

32       No claim to such property by any person other than the defendant  
33 shall be valid against the sheriff, unless the supporting affidavit is  
34 made. Notwithstanding receipt of a proper claim the sheriff shall  
35 retain such property under levy a reasonable time to demand such  
36 indemnity.

1 Any sheriff, or other levying officer, may require an indemnifying  
2 bond of the plaintiff in all cases where he or\_she has to take  
3 possession of personal property.

4 **Sec. 4055.** RCW 36.28.090 and 1963 c 4 s 36.28.090 are each amended  
5 to read as follows:

6 When there is no sheriff of a county, or he or\_she is disqualified  
7 from any cause from discharging any particular duty, it shall be lawful  
8 for the officer or person commanding or desiring the discharge of that  
9 duty to appoint some suitable person, a citizen of the county, to  
10 execute the same: PROVIDED, That final process shall in no case be  
11 executed by any person other than the legally authorized officer; or in  
12 case he or\_she is disqualified, some suitable person appointed by the  
13 court, or judge thereof, out of which the process issues, who shall  
14 make such appointment in writing; and before such appointment shall  
15 take effect, the person appointed shall give security to the party  
16 interested for the faithful performance of his or\_her duties, which  
17 bond of suretyship shall be in writing, approved by the court or judge  
18 appointing him or\_her, and be placed on file with the papers in the  
19 case.

20 **Sec. 4056.** RCW 36.28.130 and 1963 c 4 s 36.28.130 are each amended  
21 to read as follows:

22 In all cases where any sheriff, constable or coroner has executed  
23 any writ or other process delivered to him or\_her by his or\_her  
24 predecessor, or has completed any business commenced by his or\_her  
25 predecessor under any writ or process, and has completed any other  
26 business commenced by his or\_her predecessor, and in all cases where  
27 any sheriff, constable or coroner has executed any writ or other  
28 process, or completed any business connected with his or\_her office  
29 after the expiration of his or\_her term of office, which writ or  
30 process he or\_she had commenced to execute, or which business he or\_she  
31 had commenced to perform, prior to the expiration of his or\_her term of  
32 office, such action shall be valid and effectual for all purposes.

33 **Sec. 4057.** RCW 36.28.150 and 1963 c 4 s 36.28.150 are each amended  
34 to read as follows:

35 Whenever any sheriff neglects to make due return of any writ or

1 other process delivered to him or her to be executed, or is guilty of  
2 any default or misconduct in relation thereto, he or she shall be  
3 liable to fine or attachment, or both, at the discretion of the court,  
4 subject to appeal, such fine, however, not to exceed two hundred  
5 dollars; and also to an action for damages to the party aggrieved.

6 **\*Sec. 4058.** RCW 36.28.160 and 1963 c 4 s 36.28.160 are each amended  
7 to read as follows:

8 **The sheriff must keep his or her office at the county seat of the**  
9 **county of which he or she is sheriff.**  
*\*Sec. 4058 was vetoed. See message at end of chapter.*

10 **Sec. 4059.** RCW 36.28.170 and 1963 c 50 s 1 are each amended to  
11 read as follows:

12 The executive secretary of the Washington state association of  
13 elected county officials, upon written approval of a majority of the  
14 sheriffs in the state, shall file with the secretary of state a  
15 description of a standard uniform which may be withdrawn or modified by  
16 re-filing in the same manner as originally filed. A uniform of the  
17 description so filed shall thereafter be reserved exclusively for the  
18 use of sheriffs and their deputies: PROVIDED, That the filing of a  
19 standard uniform description shall not make mandatory the adoption of  
20 said uniform by any county sheriff or his or her deputies.

21 **Sec. 4060.** RCW 36.28.180 and 1979 c 132 s 1 are each amended to  
22 read as follows:

23 A county may from available funds provide for an allowance for  
24 clothing and other incidentals necessary to the performance of official  
25 duties for the sheriff and his or her deputies.

26 **Sec. 4061.** RCW 36.29.025 and 1963 c 4 s 36.29.025 are each amended  
27 to read as follows:

28 The county treasurer in each of the organized counties of the state  
29 of Washington, shall be by his or her county provided with a seal of  
30 office for the authentication of all tax deeds, papers, writing and  
31 documents required by law to be certified or authenticated by him or  
32 her. Such seal shall bear the device of crosskeys and the words:  
33 Official Seal Treasurer . . . . . County, Washington; and an imprint

1 of such seal, together with the certificate of the county treasurer  
2 that such seal has been regularly adopted, shall be filed in the office  
3 of the county auditor of such county.

4 **Sec. 4062.** RCW 36.29.130 and 1963 c 4 s 36.29.130 are each amended  
5 to read as follows:

6 The county treasurer, upon receipt of the tax roll, shall proceed  
7 to collect and receipt for the municipal taxes extended thereon at the  
8 same time and in the same manner as he or\_she proceeds in the  
9 collection of other taxes on such roll.

10 **Sec. 4063.** RCW 36.32.050 and 1963 c 4 s 36.32.050 are each amended  
11 to read as follows:

12 County commissioners shall be elected by the qualified voters of  
13 the county and the person receiving the highest number of votes for the  
14 office of commissioner for the district in which he or\_she resides  
15 shall be declared duly elected from that district.

16 **Sec. 4064.** RCW 36.32.060 and 1963 c 4 s 36.32.060 are each amended  
17 to read as follows:

18 The bond of each county commissioner shall be payable to the  
19 county, and it shall be conditioned that the commissioner shall well  
20 and faithfully discharge the duties of his or\_her office, and not  
21 approve, audit, or order paid any illegal, unwarranted, or unjust claim  
22 against the county for personal services.

23 **Sec. 4065.** RCW 36.32.100 and 1963 c 4 s 36.32.100 are each amended  
24 to read as follows:

25 The board of county commissioners at their first session after the  
26 general election shall elect one of its number to preside at its  
27 meetings. He or\_she shall sign all documents requiring the signature  
28 of the board, and his or\_her signature as ((~~chairman~~)) chair of the  
29 board shall be as legal and binding as if all members had affixed their  
30 names. In case the ((~~chairman~~)) chair is absent at any meeting of the  
31 board, all documents requiring the signature of the board shall be  
32 signed by both members present.

1       **Sec. 4066.** RCW 36.32.135 and 1963 c 4 s 36.32.135 are each amended  
2 to read as follows:

3       The county commissioners of each county shall have and use a seal  
4 for the purpose of sealing their proceedings, and copies of the same  
5 when signed and sealed by the said county commissioners, and attested  
6 by their clerk, shall be admitted as evidence of such proceedings in  
7 the trial of any cause in any court in this state; and until such seal  
8 shall be provided, the private seal of the (~~chairman~~) chair of such  
9 board of county commissioners shall be adopted as a seal.

10       **Sec. 4067.** RCW 36.32.310 and 1963 c 4 s 36.32.310 are each amended  
11 to read as follows:

12       Whenever a member of the board of county commissioners of any  
13 county has a claim for compensation for per diem and expenses for  
14 attendance upon any special session of the board or a claim for  
15 compensation for extra services or expenses incurred as such  
16 commissioners, including services performed as road commissioner, the  
17 claim shall be verified by him or her and after being approved by a  
18 majority of the board of county commissioners of the county shall be  
19 filed with the clerk of the superior court and be approved by a judge  
20 of the superior court of such county or any superior court judge  
21 holding court in such county. The judge may make such investigation as  
22 he or she deems necessary to determine the correctness of the claim and  
23 may, after such investigation, approve or reject any part of such  
24 claim. If the judge so approve the claim or any part thereof the same  
25 shall be certified by the clerk under the seal of his or her office and  
26 be returned to the county auditor who shall draw a warrant therefor.  
27 The court shall not be required oftener than once in each month to pass  
28 upon such claims and it may fix a time in each month by general order  
29 filed with the clerk of the board of county commissioners on or before  
30 which such claims must be filed with the clerk of the court.

31       **Sec. 4068.** RCW 36.32.330 and 1963 c 4 s 36.32.330 are each amended  
32 to read as follows:

33       Any person may appeal to the superior court from any decision or  
34 order of the board of county commissioners. Such appeal shall be taken  
35 within twenty days after the decision or order, and the appellant shall  
36 within that time serve notice of appeal on the county commissioners.

1 The notice shall be in writing and shall be delivered to at least one  
2 of the county commissioners personally, or left with the county  
3 auditor. The appellant shall, within ten days after service of the  
4 notice of appeal give a bond to the county with one or more sureties,  
5 to be approved by the county auditor, conditioned for the payment of  
6 all costs which shall be adjudged against him or her on such appeal in  
7 the superior court. The practice regulating appeals from and writs of  
8 certiorari to justice's courts shall, insofar as applicable, govern in  
9 matters of appeal from a decision or order of the board of county  
10 commissioners.

11 Nothing herein contained shall be construed to prevent a party  
12 having a claim against any county in this state from enforcing the  
13 collection thereof by civil action in any court of competent  
14 jurisdiction after the same has been presented to and filed as provided  
15 by law and disallowed in whole or in part by the board of county  
16 commissioners of the proper county. Such action must, however, be  
17 commenced within the time limitation provided in RCW 36.45.030.

18 **Sec. 4069.** RCW 36.33.070 and 1963 c 4 s 36.33.070 are each amended  
19 to read as follows:

20 Whenever the county treasurer deems it expedient and for the best  
21 interests of the county he or she may invest any moneys in the county  
22 current expense fund in outstanding warrants on the county tax refund  
23 fund in the following manner: When he or she has determined the amount  
24 of moneys in the county current expense fund available for investment,  
25 he or she shall call, in the order of their issuance, a sufficient  
26 number of warrants drawn on the county tax refund fund as nearly as  
27 possible equaling in amount but not exceeding the moneys to be  
28 invested, and upon presentation and surrender thereof he or she shall  
29 pay to the holders of such warrants the face amount thereof and the  
30 accrued interest thereon out of moneys in the county current expense  
31 fund.

32 **Sec. 4070.** RCW 36.33.080 and 1963 c 4 s 36.33.080 are each amended  
33 to read as follows:

34 Upon receipt of any such warrant on the tax refund fund the county  
35 treasurer shall enter the principal amount thereof, and accrued  
36 interest thereon, as a suspense credit upon his or her records, and

1 shall hold the warrant until it with interest, if any, is paid in due  
2 course out of the county tax refund fund, and upon such payment, the  
3 amount thereof shall be restored to the county current expense fund.  
4 The refund warrants held by the county treasurer shall continue to draw  
5 interest until the payment thereof out of the county tax refund fund,  
6 which interest accruing subsequent to acquisition of the warrants by  
7 the county treasurer shall be paid into the county current expense  
8 fund.

9 **Sec. 4071.** RCW 36.33.190 and 1963 c 4 s 36.33.190 are each amended  
10 to read as follows:

11 The county treasurer shall cash any United States bonds owned by  
12 the county as they mature or, with the approval of the state finance  
13 committee and of the county finance committee, he or she may at any  
14 time sell them. In either event he or she must return the proceeds  
15 into the treasury.

16 **Sec. 4072.** RCW 36.34.070 and 1963 c 4 s 36.34.070 are each amended  
17 to read as follows:

18 The board may advertise and sell used highway or other equipment  
19 belonging to the county or to any taxing division thereof subject to  
20 its jurisdiction in the manner prescribed for the sale of county  
21 property, or it may trade it in on the purchase of new equipment. If  
22 the board elects to trade in the used equipment it shall include in its  
23 call for bids on the new equipment a notice that the county has for  
24 sale or trade-in used equipment of a specified type and description  
25 which will be sold or traded in on the same day and hour that the bids  
26 on the new equipment are opened. Any bidder on the new equipment may  
27 include in his or her offer to sell, an offer to accept the used  
28 equipment as a part payment of the new equipment purchase price,  
29 setting forth the amount of such allowance.

30 In determining the lowest and best bid on the new equipment the  
31 board shall consider the net cost to the county of such new equipment  
32 after trade-in allowances have been deducted. The board may accept the  
33 new equipment bid of any bidder without trading in the used equipment  
34 but may not require any such bidder to purchase the used equipment  
35 without awarding the bidder the new equipment contract. Nothing in  
36 this section shall bar anyone from making an offer for the purchase of

1 the used equipment independent of a bid on the new equipment and the  
2 board shall consider such offers in relation to the trade-in allowances  
3 offered to determine the net best sale and purchase combination for the  
4 county.

5 **Sec. 4073.** RCW 36.34.150 and 1963 c 4 s 36.34.150 are each amended  
6 to read as follows:

7 Any person desiring to lease county lands shall make application in  
8 writing to the board of county commissioners. Each application shall  
9 be accompanied by a deposit of not less than ten dollars or such other  
10 sum as the county commissioners may require, not to exceed twenty-five  
11 dollars. The deposit shall be in the form of a certified check or  
12 certificate of deposit on some bank in the county, or may be paid in  
13 cash. In case the lands applied for are leased at the time they are  
14 offered, the deposit shall be returned to the applicant, but if the  
15 party making application fails or refuses to comply with the terms of  
16 his or her application and to execute the lease, the deposit shall be  
17 forfeited to the county, and the board of county commissioners shall  
18 pay the deposit over to the county treasurer, who shall place it to the  
19 credit of the current expense fund.

20 **Sec. 4074.** RCW 36.34.200 and 1963 c 4 s 36.34.200 are each amended  
21 to read as follows:

22 Upon the decision of the board of county commissioners to lease the  
23 lands applied for, a lease shall be executed in duplicate to the lessee  
24 by the ((~~chairman~~)) chair of the board and the county auditor, attested  
25 by his or her seal of office, which lease shall also be signed by the  
26 lessee. The lease shall refer to the order of the board directing the  
27 lease, with a description of the lands conveyed, the periods of  
28 payment, and the amounts to be paid for each period.

29 **Sec. 4075.** RCW 36.35.180 and 1998 c 106 s 17 are each amended to  
30 read as follows:

31 Upon filing a copy of the summons and notice in the office of the  
32 county clerk, service thereof as against every interest in and claim  
33 against any and every part of the property described in such summons  
34 and notice, and every person, firm, or corporation, except one who is  
35 in the actual, open and notorious possession of any of the properties,

1 shall be had by publication in the official county newspaper for six  
2 consecutive weeks; and no affidavit for publication of such summons and  
3 notice shall be required. In case special assessments imposed by a  
4 city or town against any of the real property described in the summons  
5 and notice remain outstanding, a copy of the same shall be served on  
6 the treasurer of the city or town within which such real property is  
7 situated within five days after such summons and notice is filed.

8 The summons and notice in such action shall contain the title of  
9 the court; specify in general terms the years for which the taxes were  
10 levied and the amount of the taxes and the costs for which each tract  
11 of land was sold; give the legal description of each tract of land  
12 involved, and the tax record owner thereof during the years in which  
13 the taxes for which the property was sold were levied; state that the  
14 purpose of the action is to foreclose all adverse claims of every  
15 nature in and to the property described, and to have the title of  
16 existing liens and claims of every nature against the described real  
17 property, except that of the county, forever barred.

18 The summons and notice shall also summon all persons, firms and  
19 corporations claiming any right, title and interest in and to the  
20 described real property to appear within sixty days after the date of  
21 the first publication, specifying the day and year, and state in  
22 writing what right, title and interest they have or claim to have in  
23 and to the property described, and file the same with the clerk of the  
24 court above named; and shall notify them that in case of their failure  
25 so to do, judgment will be rendered determining that the title to the  
26 real property is in the county free from all existing adverse  
27 interests, rights or claims whatsoever: PROVIDED, That in case any of  
28 the lands involved is in the actual, open and notorious possession of  
29 anyone at the time the summons and notice is filed, as herein provided,  
30 a copy of the same modified as herein specified shall be served  
31 personally upon such person in the same manner as summons is served in  
32 civil actions generally. The summons shall be substantially in the  
33 form above outlined, except that in lieu of the statement relative to  
34 the date and day of publication it shall require the person served to  
35 appear within twenty days after the day of service, exclusive of the  
36 date of service, and that the day of service need not be specified  
37 therein, and except further that the recitals regarding the amount of

1 the taxes and costs and the years the same were levied, the legal  
2 description of the land and the tax record owner thereof may be omitted  
3 except as to the land occupied by the persons served.

4 Every summons and notice provided for in RCW 36.35.160 through  
5 36.35.270 shall be subscribed by the prosecuting attorney of the  
6 county, or by any successor or assign of the county or his or her  
7 attorney, as the case may be, followed by the post office address of  
8 the successor or assign.

9 **Sec. 4076.** RCW 36.35.190 and 1961 c 15 s 84.64.360 are each  
10 amended to read as follows:

11 Any person, firm or corporation who or which may have been entitled  
12 to redeem the property involved prior to the issuance of the  
13 treasurer's deed to the county, and his or her or its successor in  
14 interest, shall have the right, at any time after the commencement of,  
15 and prior to the judgment in the action authorized herein, to redeem  
16 such property by paying to the county treasurer the amount of the taxes  
17 for which the property was sold to the county, and the amount of any  
18 other general taxes which may have accrued prior to the issuance of  
19 said treasurer's deed, together with interest on all such taxes from  
20 the date of delinquency thereof, respectively, at the rate of twelve  
21 percent per annum, and by paying for the benefit of the assessment  
22 district concerned the amount of principal, penalty and interest of all  
23 special assessments, if any, which shall have been levied against such  
24 property and by paying such proportional part of the costs of the tax  
25 foreclosure proceedings and of the action herein authorized as the  
26 county treasurer shall determine.

27 Upon redemption of any property before judgment as herein provided,  
28 the county treasurer shall issue to the redemptioner a certificate  
29 specifying the amount of the taxes, special assessments, penalty,  
30 interest and costs charged describing the land and stating that the  
31 taxes, special assessments, penalty, interest and costs specified have  
32 been fully paid, and the lien thereof discharged. Such certificate  
33 shall clear the land described therein from any claim of the county  
34 based on the treasurer's deed previously issued in the tax foreclosure  
35 proceedings.

1       **Sec. 4077.** RCW 36.35.220 and 1961 c 15 s 84.64.390 are each  
2 amended to read as follows:

3       Any person filing a statement in such action shall pay the clerk of  
4 the court an appearance fee in the amount required by the county for  
5 appearances in civil actions, and shall be required to tender the  
6 amount of all taxes, interest and costs charged against the real  
7 property to which he or she lays claim, and no further costs in such  
8 action shall be required or recovered.

9       **Sec. 4078.** RCW 36.35.230 and 1988 c 202 s 71 are each amended to  
10 read as follows:

11       Any person aggrieved by the judgment rendered in such action may  
12 seek appellate review of the part of said judgment objectionable to him  
13 or her in the manner and within the time prescribed for appeals in RCW  
14 84.64.120.

15       **Sec. 4079.** RCW 36.35.240 and 1961 c 15 s 84.64.410 are each  
16 amended to read as follows:

17       The judgment rendered in such action, unless appealed from within  
18 the time prescribed herein and upon final judgment on appeal, shall be  
19 conclusive, without the right of redemption upon and against every  
20 person who may or could claim any lien or any right, title or interest  
21 in or to any of the properties involved in said action, including  
22 minors, insane persons, those convicted of crime, as well as those free  
23 from disability, and against those who may have at any time attempted  
24 to pay any tax on any of the properties, and against those in actual  
25 open and notorious possession of any of said properties.

26       Such judgment shall be conclusive as to those who appeal therefrom,  
27 except as to the particular property to which such appellant laid claim  
28 in the action and concerning which he or she appealed, and shall be  
29 conclusive as to those in possession of any property and who were not  
30 served except as to the property which such person is in the actual,  
31 open and notorious possession of, and in any case where it is asserted  
32 that the judgment was not conclusive because of such possession, the  
33 burden of showing such actual, open and notorious possession shall be  
34 on the one asserting such possession.

1       **Sec. 4080.** RCW 36.38.020 and 1979 c 151 s 38 are each amended to  
2 read as follows:

3       In addition to the provisions levying and fixing the amount of tax,  
4 the ordinance may contain any or all of the following provisions:

5       (1) A provision defining the words and terms used therein;

6       (2) A provision requiring the price (exclusive of the tax to be  
7 paid by the person paying for admission) at which every admission  
8 ticket or card is sold to be conspicuously and indelibly printed or  
9 written on the face or back of that part of the ticket which is to be  
10 taken up by the management of the place for which an admission charge  
11 is exacted, and making the violation of such provision a misdemeanor  
12 punishable by fine of not exceeding one hundred dollars;

13       (3) Provisions fixing reasonable exemptions from such tax;

14       (4) Provisions allowing as an offset against the tax, the amount of  
15 like taxes levied, fixed, and collected within their jurisdiction by  
16 incorporated cities and towns in the county;

17       (5) A provision requiring persons receiving payments for admissions  
18 taxed under said ordinance to collect the amount of the tax from the  
19 persons making such payments;

20       (6) A provision to the effect that the tax imposed by said  
21 ordinance shall be deemed to be held in trust by the person required to  
22 collect the same until paid to the county treasurer, and making it a  
23 misdemeanor for any person receiving payment of the tax and  
24 appropriating or converting the same to his or her own use or to any  
25 use other than the payment of the tax as provided in said ordinance to  
26 the extent that the amount of such tax is not available for payment on  
27 the due date for filing returns as provided in said ordinance;

28       (7) A provision that in case any person required by the ordinance  
29 to collect the tax imposed thereby fails to collect the same, or having  
30 collected the tax fails to pay the same to the county treasurer in the  
31 manner prescribed by the ordinance, whether such failure is the result  
32 of such person's own acts or the result of acts or conditions beyond  
33 such person's control, such person shall nevertheless be personally  
34 liable to the county for the amount of the tax;

35       (8) Provisions fixing the time when the taxes imposed by the  
36 ordinance shall be due and payable to the county treasurer; requiring  
37 persons receiving payments for admissions to make periodic returns to  
38 the county treasurer on such forms and setting forth such information

1 as the county treasurer may specify; requiring such return to show the  
2 amount of tax upon admissions for which such person is liable for  
3 specified preceding periods, and requiring such person to sign and  
4 transmit the same to the county treasurer together with a remittance  
5 for the amount;

6 (9) A provision requiring taxpayers to file with the county  
7 treasurer verified annual returns setting forth such additional  
8 information as he or she may deem necessary to determine tax liability  
9 correctly;

10 (10) A provision to the effect that whenever a certificate of  
11 registration, if required by the ordinance, is obtained for operating  
12 or conducting temporary places of amusement by persons who are not the  
13 owners, lessees, or custodians of the building, lot or place where the  
14 amusement is to be conducted, or whenever the business is permitted to  
15 be conducted without the procurement of a certificate, the tax imposed  
16 shall be returned and paid as provided in the ordinance by such owner,  
17 lessee, or custodian, unless paid by the person conducting the place of  
18 amusement;

19 (11) A provision requiring the applicant for a temporary  
20 certificate of registration, if required by the ordinance, to furnish  
21 with the application therefor, the name and address of the owner,  
22 lessee, or custodian of the premises upon which the amusement is to be  
23 conducted, and requiring the county treasurer to notify such owner,  
24 lessee, or custodian of the issuance of any such temporary certificate,  
25 and of the joint liability for such tax;

26 (12) A provision empowering the county treasurer to declare the tax  
27 upon temporary or itinerant places of amusement to be immediately due  
28 and payable and to collect the same, when he or she believes there is  
29 a possibility that the tax imposed under the ordinance will not be  
30 otherwise paid;

31 (13) Any or all of the applicable general administrative provisions  
32 contained in RCW 82.32.010 through 82.32.340 and 82.32.380, and the  
33 amendments thereto, except that unless otherwise indicated by the  
34 context of said sections, in all provisions so incorporated in such  
35 ordinance (a) the term "county treasurer" (of the county enacting said  
36 ordinance) shall be substituted for each reference made in said  
37 sections to the "department," the "department of revenue," "any  
38 employee of the department," or "director of the department of

1 revenue"; (b) the name of the county enacting such ordinance shall be  
2 substituted for each reference made in said sections to the "state" or  
3 to the "state of Washington"; (c) the term "this ordinance" shall be  
4 substituted for each reference made in said sections to "this chapter";  
5 (d) the name of the county enacting said ordinance shall be substituted  
6 for each reference made in said sections to "Thurston county"; and (e)  
7 the term "board of county commissioners" shall be substituted for each  
8 reference made in said sections to the "director of financial  
9 management."

10 *\*Sec. 4081. RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended*  
11 *to read as follows:*

12 *On or before the second Monday in July of each year the county*  
13 *auditor shall notify in writing each county official, elective or*  
14 *appointive, in charge of an office, department, service, or institution*  
15 *of the county, to file with him or her on or before the second Monday*  
16 *in August thereafter detailed and itemized estimates, both of the*  
17 *probable revenues from sources other than taxation, and of all*  
18 *expenditures required by such office, department, service, or*  
19 *institution for the ensuing fiscal year.*

*\*Sec. 4081 was vetoed. See message at end of chapter.*

20 *\*Sec. 4082. RCW 36.40.130 and 1963 c 4 s 36.40.130 are each amended*  
21 *to read as follows:*

22 *Expenditures made, liabilities incurred, or warrants issued in*  
23 *excess of any of the detailed budget appropriations or as revised by*  
24 *transfer as in RCW 36.40.100, 36.40.110 or 36.40.120 provided shall not*  
25 *be a liability of the county, but the official making or incurring such*  
26 *expenditure or issuing such warrant shall be liable therefor personally*  
27 *and upon his or her official bond. The county auditor shall issue no*  
28 *warrant and the county commissioners shall approve no claim for any*  
29 *expenditure in excess of the detailed budget appropriations or as*  
30 *revised under the provisions of RCW 36.40.100 through 36.40.130, except*  
31 *upon an order of a court of competent jurisdiction, or for emergencies*  
32 *as hereinafter provided. Any county commissioner, or county auditor,*  
33 *approving any claim or issuing any warrant in excess of any such budget*  
34 *appropriation except as herein provided shall forfeit to the county*  
35 *fourfold the amount of such claim or warrant which shall be recovered*

1 *by action against such county commissioner or auditor, or all of them,*  
2 *and the several sureties on their official bonds.*

*\*Sec. 4082 was vetoed. See message at end of chapter.*

3 *\*Sec. 4083. RCW 36.40.210 and 1963 c 4 s 36.40.210 are each amended*  
4 *to read as follows:*

5 *On or before the twenty-fifth day of each month the auditor shall*  
6 *submit to the board of county commissioners a report showing the*  
7 *expenditures and liabilities against each separate budget appropriation*  
8 *incurred during the preceding calendar month and like information for*  
9 *the whole of the current fiscal year to the first day of said month,*  
10 *together with the unexpended and unencumbered balance of each*  
11 *appropriation. He or she shall also set forth the receipts from taxes*  
12 *and from sources other than taxation for the same periods.*

*\*Sec. 4083 was vetoed. See message at end of chapter.*

13 *Sec. 4084. RCW 36.48.040 and 1963 c 4 s 36.48.040 are each amended*  
14 *to read as follows:*

15 *The county treasurer shall deposit with any depositary, which has*  
16 *fully complied with all requirements of RCW 36.48.010 through*  
17 *36.48.060, any county money in his or her hands or under his or her*  
18 *official control, and for the purpose of making the quarterly*  
19 *settlement and counting funds in the hands of the treasurer any sums so*  
20 *on deposit shall be deemed to be in the county treasury.*

21 *Sec. 4085. RCW 36.48.050 and 1963 c 4 s 36.48.050 are each amended*  
22 *to read as follows:*

23 *The provisions of RCW 36.48.010 through 36.48.060 shall in no way*  
24 *relieve or release the county treasurer from any liability upon his or*  
25 *her official bond as such treasurer, or any surety upon such bond, and*  
26 *shall in no way affect the duty of the several county treasurers to*  
27 *give bond as required by law.*

28 *Sec. 4086. RCW 36.53.030 and 1963 c 4 s 36.53.030 are each amended*  
29 *to read as follows:*

30 *No license shall be granted to any person other than the owner of*  
31 *the land embracing or adjoining the lake or stream where the ferry is*  
32 *proposed to be kept, unless the owner neglects to apply therefor.*  
33 *Whenever application for a license is made by any person other than the*  
34 *owner, the board of county commissioners shall not grant it, unless*

1 proof is made that the applicant caused notice, in writing, of his or  
2 her intention to make such application to be given to such owner, if  
3 residing in the county, at least ten days before the session of the  
4 board of county commissioners at which application is made.

5 **Sec. 4087.** RCW 36.53.040 and 1963 c 4 s 36.53.040 are each amended  
6 to read as follows:

7 Every person intending to apply for a license to keep a ferry at  
8 any place shall give notice of his or her intention by posting up at  
9 least three notices in public places in the neighborhood where the  
10 ferry is proposed to be kept, twenty days prior to any regular session  
11 of the board of county commissioners at which the application is to be  
12 made.

13 **Sec. 4088.** RCW 36.53.060 and 1963 c 4 s 36.53.060 are each amended  
14 to read as follows:

15 Every person obtaining a license to keep a ferry shall provide and  
16 keep in good and complete repair the necessary boat or boats for the  
17 safe conveyance of all persons and property, and furnish such boats at  
18 all times with suitable oars, setting poles, and other implements  
19 necessary for the service thereof, and shall keep a sufficient number  
20 of discreet and skillful men or women ferry workers to attend and  
21 manage the same; and he or she shall also at all times keep the place  
22 of embarking and landing in good order and repair, by cutting away the  
23 bank of the stream so that persons and property may be embarked and  
24 landed without danger or unnecessary delay.

25 **Sec. 4089.** RCW 36.53.100 and 1963 c 4 s 36.53.100 are each amended  
26 to read as follows:

27 Every person licensed to keep a ferry shall post up, in some  
28 conspicuous place near his or her ferry landing a list of the rates of  
29 ferriage which are chargeable by law at such ferry, which list of rates  
30 shall at all times be plain and legible and posted up so near the place  
31 where persons pass across the ferry that it may be easily read. If the  
32 keeper neglects or refuses to post and keep up such list, it shall not  
33 be lawful to charge or take any ferriage or compensation at the ferry,  
34 during the time of such delinquency.

1           **Sec. 4090.** RCW 36.53.120 and 1963 c 4 s 36.53.120 are each amended  
2 to read as follows:

3           Every person licensed to keep a ferry under the provisions of RCW  
4 36.53.010 through 36.53.140 shall have the exclusive privilege of  
5 transporting all persons and property over and across the stream where  
6 the ferry is established, and shall be entitled to all the fare arising  
7 by law therefrom: PROVIDED, That any person may cross such stream at  
8 the ferry location in his or her own boat, or take in and carry over  
9 his or her neighbor, when done without fee or charge, and not with  
10 intent to injure the person licensed to keep a ferry.

11           **Sec. 4091.** RCW 36.53.130 and 1963 c 4 s 36.53.130 are each amended  
12 to read as follows:

13           If any person licensed to keep a ferry fails to pay the taxes  
14 assessed thereon when due, or to provide and keep in good and complete  
15 repair the necessary boat or boats, with the oars, setting poles, and  
16 other necessary implements for the service thereof, or to employ a  
17 sufficient number of skilled and discreet (~~ferryman~~) ferry workers  
18 within three months from the time license is granted, or if the ferry  
19 is not at any time kept in good condition and repair, or if it is  
20 abandoned, disused, or unfrequented for the space of six months at any  
21 one time, the board of county commissioners, on complaint being made in  
22 writing, may summon the person licensed to keep such ferry, to show  
23 cause why his or her license should not be revoked. The board may  
24 revoke or not according to the testimony adduced and the laws of this  
25 state, the decision subject to review by the superior court: PROVIDED,  
26 That if disuse resulted because the stream is fordable at certain  
27 seasons of the year, or because travel by that route is subject to  
28 periodical fluctuations, it shall not work a forfeiture within the  
29 meaning of this section.

30           **Sec. 4092.** RCW 36.54.040 and 1963 c 4 s 36.54.040 are each amended  
31 to read as follows:

32           The boards of county commissioners of the two counties,  
33 participating in a joint ferry, shall meet in joint session at the  
34 county seat of one of the counties interested, and shall elect one of  
35 their members as (~~chairman~~) chair of the joint board of  
36 commissioners, who shall act as such (~~chairman~~) chair during the

1 remainder of his or her term of office, and, at the expiration of his  
2 or her term of office, the two boards of county commissioners shall  
3 meet and elect a new ((~~chairman~~)) chair, who shall act as such  
4 ((~~chairman~~)) chair during his or her term of office as county  
5 commissioner, and they shall continue to elect a ((~~chairman~~)) chair in  
6 like manner thereafter. The county auditors of the counties shall be  
7 clerks of such joint commission, and the county auditor of the county  
8 where each meeting is held shall act as clerk of the commission at all  
9 meetings held in his or her county. Each county auditor, as soon as  
10 the joint commission is organized, shall procure a record book and  
11 enter therein a complete record of the proceedings of the commission,  
12 and immediately after each adjournment the county auditor of the county  
13 in which the meeting is held shall forward a complete copy of the  
14 minutes of the proceedings of the commission to the auditor of the  
15 other county to be entered by him or her in his or her record. Each  
16 county shall keep a complete record of the proceedings of the  
17 commission.

18 **Sec. 4093.** RCW 36.54.060 and 1963 c 4 s 36.54.060 are each amended  
19 to read as follows:

20 All claims and accounts for the construction, operation and  
21 maintenance of a joint county ferry shall be presented to and audited  
22 by the joint commission: PROVIDED, That items of expense connected  
23 with the operation of such ferry which do not exceed the sum of thirty  
24 dollars may be presented to the ((~~chairman~~)) chair of the joint  
25 commission and allowed by him or her and when allowed shall be a joint  
26 charge against the road fund of each of the counties operating such  
27 ferry.

28 **Sec. 4094.** RCW 36.55.050 and 1963 c 4 s 36.55.050 are each amended  
29 to read as follows:

30 The hearing may be adjourned from time to time by the order of the  
31 board of county commissioners. If, after the hearing, the board deems  
32 it to be for the public interest to grant the franchise in whole or in  
33 part, it may make and enter a resolution to that effect and may require  
34 the applicant to place his or her utility and its appurtenances in such  
35 location on or along the county road as the board finds will cause the  
36 least interference with other uses of the road.

1           **Sec. 4095.** RCW 36.57.050 and 1974 ex.s. c 167 s 5 are each amended  
2 to read as follows:

3           The authority shall elect a ((~~chairman~~)) chair, and appoint a  
4 general manager who shall be experienced in administration, and who  
5 shall act as executive secretary to, and administrative officer for the  
6 authority. He or she shall also be empowered to employ such technical  
7 and other personnel as approved by the authority. The general manager  
8 shall be paid such salary and allowed such expenses as shall be  
9 determined by the authority. The general manager shall hold office at  
10 the pleasure of the authority, and shall not be removed until after  
11 notice is given him or her, and an opportunity for a hearing before the  
12 authority as to the reason for his or her removal.

13           **Sec. 4096.** RCW 36.57.090 and 1974 ex.s. c 167 s 9 are each amended  
14 to read as follows:

15           A county transportation authority may acquire any existing  
16 transportation system by conveyance, sale, or lease. In any purchase  
17 from a county or city, the authority shall receive credit from the  
18 county or city for any federal assistance and state matching assistance  
19 used by the county or city in acquiring any portion of such system.  
20 The authority shall assume and observe all existing labor contracts  
21 relating to such system and, to the extent necessary for operation of  
22 facilities, all of the employees of such acquired transportation system  
23 whose duties are necessary to operate efficiently the facilities  
24 acquired shall be appointed to comparable positions to those which they  
25 held at the time of such transfer, and no employee or retired or  
26 pensioned employee of such systems shall be placed in any worse  
27 position with respect to pension seniority, wages, sick leave, vacation  
28 or other benefits that he or she enjoyed as an employee of such system  
29 prior to such acquisition. The authority shall engage in collective  
30 bargaining with the duly appointed representatives of any employee  
31 labor organization having existing contracts with the acquired  
32 transportation system and may enter into labor contracts with such  
33 employee labor organization.

34           **Sec. 4097.** RCW 36.57A.050 and 2007 c 469 s 14 are each amended to  
35 read as follows:

36           Within sixty days of the establishment of the boundaries of the

1 public transportation benefit area the members of the county  
2 legislative authority and the elected representative of each city  
3 within the area shall provide for the selection of the governing body  
4 of such area, the public transportation benefit area authority, which  
5 shall consist of elected officials selected by and serving at the  
6 pleasure of the governing bodies of component cities within the area  
7 and the county legislative authority of each county within the area.  
8 If at the time a public transportation benefit area authority assumes  
9 the public transportation functions previously provided under the  
10 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen  
11 positions on the governing board of the transit system, those positions  
12 may be retained as positions on the governing board of the public  
13 transportation benefit area authority.

14 Within such sixty-day period, any city may by resolution of its  
15 legislative body withdraw from participation in the public  
16 transportation benefit area. The county legislative authority and each  
17 city remaining in the public transportation benefit area may disapprove  
18 and prevent the establishment of any governing body of a public  
19 transportation benefit area if the composition thereof does not meet  
20 its approval.

21 In no case shall the governing body of a single county public  
22 transportation benefit area be greater than nine members and in the  
23 case of a multicounty area, fifteen members. Those cities within the  
24 transportation benefit area and excluded from direct membership on the  
25 authority are hereby authorized to designate a member of the authority  
26 who shall be entitled to represent the interests of such city which is  
27 excluded from direct membership on the authority. The legislative body  
28 of such city shall notify the authority as to the determination of its  
29 authorized representative on the authority.

30 Each member of the authority is eligible to be reimbursed for  
31 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
32 receive compensation, as set by the authority, in an amount not to  
33 exceed forty-four dollars for each day during which the member attends  
34 official meetings of the authority or performs prescribed duties  
35 approved by the ((~~chairman~~)) chair of the authority. Except that the  
36 authority may, by resolution, increase the payment of per diem  
37 compensation to each member from forty-four dollars up to ninety  
38 dollars per day or portion of a day for actual attendance at board

1 meetings or for performance of other official services or duties on  
2 behalf of the authority. In no event may a member be compensated in  
3 any year for more than seventy-five days, except the ((~~chairman~~)) chair  
4 who may be paid compensation for not more than one hundred days:  
5 PROVIDED, That compensation shall not be paid to an elected official or  
6 employee of federal, state, or local government who is receiving  
7 regular full-time compensation from such government for attending  
8 meetings and performing prescribed duties of the authority.

9 The dollar thresholds established in this section must be adjusted  
10 for inflation by the office of financial management every five years,  
11 beginning July 1, 2008, based upon changes in the consumer price index  
12 during that time period. "Consumer price index" means, for any  
13 calendar year, that year's annual average consumer price index, for  
14 Washington state, for wage earners and clerical workers, all items,  
15 compiled by the bureau of labor and statistics, United States  
16 department of labor. If the bureau of labor and statistics develops  
17 more than one consumer price index for areas within the state, the  
18 index covering the greatest number of people, covering areas  
19 exclusively within the boundaries of the state, and including all items  
20 shall be used for the adjustments for inflation in this section. The  
21 office of financial management must calculate the new dollar threshold  
22 and transmit it to the office of the code reviser for publication in  
23 the Washington State Register at least one month before the new dollar  
24 threshold is to take effect.

25 A person holding office as commissioner for two or more special  
26 purpose districts shall receive only that per diem compensation  
27 authorized for one of his or her commissioner positions as compensation  
28 for attending an official meeting or conducting official services or  
29 duties while representing more than one of his or her districts.  
30 However, such commissioner may receive additional per diem compensation  
31 if approved by resolution of all boards of the affected commissions.

32 **Sec. 4098.** RCW 36.57A.120 and 1975 1st ex.s. c 270 s 22 are each  
33 amended to read as follows:

34 If a public transportation benefit area shall acquire any existing  
35 transportation system, it shall assume and observe all existing labor  
36 contracts relating to such system and, to the extent necessary for  
37 operation of facilities, all of the employees of such acquired

1 transportation system whose duties are necessary to operate efficiently  
2 the facilities acquired shall be appointed to comparable positions to  
3 those which they held at the time of such transfer, and no employee or  
4 retired or pensioned employee of such systems shall be placed in any  
5 worse position with respect to pension seniority, wages, sick leave,  
6 vacation or other benefits that he or she enjoyed as an employee of  
7 such system prior to such acquisition. The public transportation  
8 benefit area authority shall engage in collective bargaining with the  
9 duly appointed representatives of any employee labor organization  
10 having existing contracts with the acquired transportation system and  
11 may enter into labor contracts with such employee labor organization.

12 **Sec. 4099.** RCW 36.63.255 and 1981 c 136 s 60 are each amended to  
13 read as follows:

14 Any person imprisoned in a county jail pending the appeal of his or  
15 her conviction of a felony and who has not obtained bail bond pending  
16 his or her appeal shall be transferred after thirty days but within  
17 forty days from the date judgment was entered against him or her to a  
18 state institution for felons designated by the secretary of  
19 corrections: PROVIDED, That when good cause is shown, a superior court  
20 judge may order the prisoner detained in the county jail beyond said  
21 forty days for an additional period not to exceed ten days.

22 **Sec. 4100.** RCW 36.64.090 and 1965 ex.s. c 84 s 2 are each amended  
23 to read as follows:

24 The governing bodies of the counties and cities so associated in a  
25 conference shall adopt articles of association and bylaws, select a  
26 ((~~chairman~~)) chair and such other officers as they may determine, and  
27 may employ and discharge such agents and employees as the officers deem  
28 convenient to carry out the purposes of the conference.

29 **Sec. 4101.** RCW 36.67.530 and 1983 c 167 s 80 are each amended to  
30 read as follows:

31 (1) When revenue bonds are issued for authorized purposes, said  
32 bonds shall be either registered as to principal only or as to  
33 principal and interest as provided in RCW 39.46.030, or shall be bearer  
34 bonds; shall be in such denominations, shall be numbered, shall bear  
35 such date, shall be payable at such time or times up to a maximum

1 period of not to exceed thirty years and payable at the office of the  
2 county treasurer, and such other places as determined by the county  
3 legislative authority of the county; shall bear interest payable and  
4 evidenced to maturity on bonds not registered as to interest by coupons  
5 attached to said bonds bearing a coupon interest rate or rates as  
6 authorized by the county legislative authority; shall be executed by  
7 the ((~~chairman~~)) chair of the county legislative authority, and  
8 attested by the clerk of the legislative authority, and the seal of  
9 such legislative authority shall be affixed to each bond, but not to  
10 any coupon; and may have facsimile signatures of the ((~~chairman~~)) chair  
11 and the clerk imprinted on each bond and any interest coupons in lieu  
12 of original signatures and the facsimile seal imprinted on each bond.

13 (2) Notwithstanding subsection (1) of this section, such bonds may  
14 be issued and sold in accordance with chapter 39.46 RCW.

15 **Sec. 4102.** RCW 36.68.060 and 1963 c 4 s 36.68.060 are each amended  
16 to read as follows:

17 The county park and recreation board:

18 (1) Shall elect its officers, including a ((~~chairman~~)) chair, vice  
19 ((~~chairman~~)) chair and secretary, and such other officers as it may  
20 determine it requires.

21 (2) Shall hold regular public meetings at least monthly.

22 (3) Shall adopt rules for transaction of business and shall keep a  
23 written record of its meetings, resolutions, transactions, findings and  
24 determinations, which record shall be a public record.

25 (4) Shall initiate, direct, and administer county recreational  
26 activities, and shall select and employ a county park and recreation  
27 superintendent and such other properly qualified employees as it may  
28 deem desirable.

29 (5) Shall improve, operate, and maintain parks, playgrounds, and  
30 other recreational facilities, together with all structures and  
31 equipment useful in connection therewith, and may recommend to the  
32 board of county commissioners acquisition of real property.

33 (6) Shall promulgate and enforce reasonable rules and regulations  
34 deemed necessary in the operation of parks, playgrounds, and other  
35 recreational facilities, and may recommend to the board of county  
36 commissioners adoption of any rules or regulations requiring

1 enforcement by legal process which relate to parks, playgrounds, or  
2 other recreational facilities.

3 (7) Shall each year submit to the board of county commissioners for  
4 approval a proposed budget for the following year in the manner  
5 provided by law for the preparation and submission of budgets by  
6 elective or appointive county officials.

7 (8) May, subject to the approval of the board of county  
8 commissioners, enter into contracts with any other municipal  
9 corporation, governmental or private agency for the conduct of park and  
10 recreational programs.

11 **Sec. 4103.** RCW 36.69.120 and 1963 c 4 s 36.69.120 are each amended  
12 to read as follows:

13 The park and recreation district board of commissioners shall:

14 (1) Elect its officers including a (~~chairman~~) chair, vice  
15 (~~chairman~~) chair, secretary, and such other officers as it may  
16 determine it requires;

17 (2) Hold regular public meetings at least monthly;

18 (3) Adopt policies governing transaction of board business, keeping  
19 of records, resolutions, transactions, findings and determinations,  
20 which shall be of public record;

21 (4) Initiate, direct and administer district park and recreation  
22 activities, and select and employ such properly qualified employees as  
23 it may deem necessary.

24 **Sec. 4104.** RCW 36.69.230 and 1963 c 4 s 36.69.230 are each amended  
25 to read as follows:

26 If such local improvement district is initiated by petition, such  
27 petition shall set forth the nature and territorial extent of the  
28 proposed improvement requested to be ordered and the fact that the  
29 signers thereof are the owners (according to the records of the county  
30 auditor) of at least fifty-one percent of the area of land within the  
31 limits of the local improvement district to be created. Upon the  
32 filing of such petition the board of park and recreation commissioners  
33 shall determine whether it is sufficient, and the board's determination  
34 thereof shall be conclusive upon all persons. No person shall withdraw  
35 his or her name from the petition after it has been filed with the  
36 board. If the board shall find the petition to be sufficient, it shall

1 proceed to adopt a resolution declaring its intention to order the  
2 improvement petitioned for, setting forth the nature and territorial  
3 extent of said improvement, designating the number of the proposed  
4 local district and describing the boundaries thereof, stating the  
5 estimated cost and expense of the improvement and the proportionate  
6 amount thereof which will be borne by the property within the proposed  
7 local district, and fixing a date, time and place for a public hearing  
8 on the formation of the proposed local district.

9 The resolution of intention, whether adopted on the initiative of  
10 the board or pursuant to a petition of the property owners, shall be  
11 published in at least two consecutive issues of a newspaper of general  
12 circulation in the proposed local district, the date of the first  
13 publication to be at least fifteen days prior to the date fixed by such  
14 resolution for hearing before the board.

15 **Sec. 4105.** RCW 36.69.370 and 1983 c 167 s 86 are each amended to  
16 read as follows:

17 (1) When revenue bonds are issued for authorized purposes, said  
18 bonds shall be either registered as to principal only or principal and  
19 interest as provided in RCW 39.46.030 or shall be bearer bonds; shall  
20 be in such denominations, shall be numbered, shall bear such date,  
21 shall be payable at such time or times up to a maximum period of not to  
22 exceed thirty years and payable as determined by the park and  
23 recreation commissioners of the district; shall bear interest payable  
24 semiannually; shall be executed by the ((~~chairman~~)) chair of the board  
25 of park and recreation commissioners, and attested by the secretary of  
26 the board, and the seal of such board shall be affixed to each bond,  
27 but not to any coupon; and may have facsimile signatures of the  
28 ((~~chairman~~)) chair and the secretary imprinted on any interest coupons  
29 in lieu of original signatures.

30 (2) Notwithstanding subsection (1) of this section, such bonds may  
31 be issued and sold in accordance with chapter 39.46 RCW.

32 **Sec. 4106.** RCW 36.70.020 and 1963 c 4 s 36.70.020 are each amended  
33 to read as follows:

34 The following words or terms as used in this chapter shall have the  
35 following meaning unless a different meaning is clearly indicated by  
36 the context:

- 1 (1) "Approval by motion" is a means by which a board, through other  
2 than by ordinance, approves and records recognition of a comprehensive  
3 plan or amendments thereto.
- 4 (2) "Board" means the board of county commissioners.
- 5 (3) "Certification" means the affixing on any map or by adding to  
6 any document comprising all or any portion of a comprehensive plan a  
7 record of the dates of action thereon by the commission and by the  
8 board, together with the signatures of the officer or officers  
9 authorized by ordinance to so sign.
- 10 (4) "Commission" means a county or regional planning commission.
- 11 (5) "Commissioners" means members of a county or regional planning  
12 commission.
- 13 (6) "Comprehensive plan" means the policies and proposals approved  
14 and recommended by the planning agency or initiated by the board and  
15 approved by motion by the board (a) as a beginning step in planning for  
16 the physical development of the county; (b) as the means for  
17 coordinating county programs and services; (c) as a source of reference  
18 to aid in developing, correlating, and coordinating official  
19 regulations and controls; and (d) as a means for promoting the general  
20 welfare. Such plan shall consist of the required elements set forth in  
21 RCW 36.70.330 and may also include the optional elements set forth in  
22 RCW 36.70.350 which shall serve as a policy guide for the subsequent  
23 public and private development and official controls so as to present  
24 all proposed developments in a balanced and orderly relationship to  
25 existing physical features and governmental functions.
- 26 (7) "Conditional use" means a use listed among those classified in  
27 any given zone but permitted to locate only after review by the board  
28 of adjustment, or zoning adjustor if there be such, and the granting of  
29 a conditional use permit imposing such performance standards as will  
30 make the use compatible with other permitted uses in the same vicinity  
31 and zone and assure against imposing excessive demands upon public  
32 utilities, provided the county ordinances specify the standards and  
33 criteria that shall be applied.
- 34 (8) "Department" means a planning department organized and  
35 functioning as any other department in any county.
- 36 (9) "Element" means one of the various categories of subjects, each  
37 of which constitutes a component part of the comprehensive plan.

1 (10) "Ex officio member" means a member of the commission who  
2 serves by virtue of his or\_her official position as head of a  
3 department specified in the ordinance creating the commission.

4 (11) "Official controls" means legislatively defined and enacted  
5 policies, standards, precise detailed maps and other criteria, all of  
6 which control the physical development of a county or any part thereof  
7 or any detail thereof, and are the means of translating into  
8 regulations and ordinances all or any part of the general objectives of  
9 the comprehensive plan. Such official controls may include, but are  
10 not limited to, ordinances establishing zoning, subdivision control,  
11 platting, and adoption of detailed maps.

12 (12) "Ordinance" means a legislative enactment by a board; in this  
13 chapter the word, "ordinance", is synonymous with the term  
14 "resolution", as representing a legislative enactment by a board of  
15 county commissioners.

16 (13) "Planning agency" means (a) a planning commission, together  
17 with its staff members, employees and consultants, or (b) a department  
18 organized and functioning as any other department in any county  
19 government together with its planning commission.

20 (14) "Variance." A variance is the means by which an adjustment is  
21 made in the application of the specific regulations of a zoning  
22 ordinance to a particular piece of property, which property, because of  
23 special circumstances applicable to it, is deprived of privileges  
24 commonly enjoyed by other properties in the same vicinity and zone and  
25 which adjustment remedies disparity in privileges.

26 **Sec. 4107.** RCW 36.70.080 and 1963 c 4 s 36.70.080 are each amended  
27 to read as follows:

28 The members of a commission shall be appointed by the ((~~chairman~~))  
29 chair of the board with the approval of a majority of the board:  
30 PROVIDED, That each member of the board shall submit to the  
31 ((~~chairman~~)) chair a list of nominees residing in his or\_her  
32 commissioner district, and the ((~~chairman~~)) chair shall make his or her  
33 appointments from such lists so that as nearly as mathematically  
34 possible, each commissioner district shall be equally represented on  
35 the commission.

1       **Sec. 4108.** RCW 36.70.090 and 1963 c 4 s 36.70.090 are each amended  
2 to read as follows:

3       When a commission is created after June 10, 1959, the first terms  
4 of the members of the commission consisting of five, seven, and nine  
5 members, respectively, other than ex officio members, shall be as  
6 follows:

7       (1) For a five-member commission--one, shall be appointed for one  
8 year; one, for two years; one, for three years; and two, for four  
9 years.

10       (2) For a seven-member commission--one, shall be appointed for one  
11 year; two, for two years; two, for three years; and two, for four  
12 years.

13       (3) For a nine-member commission--two, shall be appointed for one  
14 year; two, for two years; two, for three years; and three, for four  
15 years.

16       Thereafter, the successors to the first member shall be appointed  
17 for four year terms: PROVIDED, That where the commission includes one  
18 ex officio member, the number of appointive members first appointed for  
19 a four year term shall be reduced by one; if there are to be two ex  
20 officio members, the number of appointive members for the three year  
21 and four year terms shall each be reduced by one; if there are to be  
22 three ex officio members, the number of appointive members for the four  
23 year term, the three year term, and the two year term shall each be  
24 reduced by one. The term of an ex officio member shall correspond to  
25 his or her official tenure: PROVIDED FURTHER, That where a commission,  
26 on the effective date of this chapter, is operating with members  
27 appointed for longer than four year terms, such members shall serve out  
28 the full term for which they were appointed, but their successors, if  
29 any, shall be appointed for four year terms.

30       **Sec. 4109.** RCW 36.70.110 and 1963 c 4 s 36.70.110 are each amended  
31 to read as follows:

32       After public hearing, any appointee member of a commission may be  
33 removed by the ((~~chairman~~)) chair of the board, with the approval of  
34 the board, for inefficiency, neglect of duty, or malfeasance in office.

35       **Sec. 4110.** RCW 36.70.120 and 1963 c 4 s 36.70.120 are each amended  
36 to read as follows:

1 Each commission shall elect its (~~chairman~~) chair and vice  
2 (~~chairman~~) chair from among the appointed members. The commission  
3 shall appoint a secretary who need not be a member of the commission.

4 **Sec. 4111.** RCW 36.70.150 and 1963 c 4 s 36.70.150 are each amended  
5 to read as follows:

6 Two or more county planning agencies in any combination may hold  
7 joint meetings and by approval of their respective boards may have the  
8 same (~~chairman~~) chair.

9 **Sec. 4112.** RCW 36.70.160 and 1963 c 4 s 36.70.160 are each amended  
10 to read as follows:

11 If a director of planning is provided for, he or she shall be  
12 appointed:

13 (1) By the commission when a commission is created under RCW  
14 36.70.030;

15 (2) If a planning department is established as provided in RCW  
16 36.70.040, then he or she shall be appointed by the board.

17 **Sec. 4113.** RCW 36.70.170 and 1963 c 4 s 36.70.170 are each amended  
18 to read as follows:

19 The director of planning shall be authorized to appoint such  
20 employees as are necessary to perform the duties assigned to him or her  
21 within the budget allowed.

22 **Sec. 4114.** RCW 36.70.180 and 1963 c 4 s 36.70.180 are each amended  
23 to read as follows:

24 The boards of two or more counties or the legislative bodies of  
25 other political subdivisions or special districts may jointly engage a  
26 single director of planning and may authorize him or her to employ such  
27 other personnel as may be necessary to carry out the joint planning  
28 program.

29 **Sec. 4115.** RCW 36.70.250 and 1963 c 4 s 36.70.250 are each amended  
30 to read as follows:

31 Any member of the board of adjustment may be removed by the  
32 (~~chairman~~) chair of the board with the approval of the board for  
33 inefficiency, neglect of duty or malfeasance in office.

1           **Sec. 4116.** RCW 36.70.260 and 1963 c 4 s 36.70.260 are each amended  
2 to read as follows:

3           The board of adjustment shall elect a ((~~chairman~~)) chair and vice  
4 ((~~chairman~~)) chair from among its members. The board of adjustment  
5 shall appoint a secretary who need not be a member of the board.

6           **Sec. 4117.** RCW 36.70.400 and 1963 c 4 s 36.70.400 are each amended  
7 to read as follows:

8           The approval of the comprehensive plan, or of any amendment,  
9 extension or addition thereto, shall be by the affirmative vote of not  
10 less than a majority of the total members of the commission. Such  
11 approval shall be by a recorded motion which shall incorporate the  
12 findings of fact of the commission and the reasons for its action and  
13 the motion shall refer expressly to the maps, descriptive, and other  
14 matters intended by the commission to constitute the plan or amendment,  
15 addition or extension thereto. The indication of approval by the  
16 commission shall be recorded on the map and descriptive matter by the  
17 signatures of the ((~~chairman~~)) chair and the secretary of the  
18 commission and of such others as the commission in its rules may  
19 designate.

20           **Sec. 4118.** RCW 36.70.600 and 1963 c 4 s 36.70.600 are each amended  
21 to read as follows:

22           The recommendation to the board of any official control or  
23 amendments thereto by the planning agency shall be by the affirmative  
24 vote of not less than a majority of the total members of the  
25 commission. Such approval shall be by a recorded motion which shall  
26 incorporate the findings of fact of the commission and the reasons for  
27 its action and the motion shall refer expressly to the maps,  
28 descriptive and other matters intended by the commission to constitute  
29 the plan, or amendment, addition or extension thereto. The indication  
30 of approval by the commission shall be recorded on the map and  
31 descriptive matter by the signatures of the ((~~chairman~~)) chair and the  
32 secretary of the commission and of such others as the commission in its  
33 rules may designate.

34           **Sec. 4119.** RCW 36.70.850 and 1963 c 4 s 36.70.850 are each amended  
35 to read as follows:

1           Upon the filing of an appeal from an administrative determination,  
2 or from the action of the zoning adjustor, the board of adjustment  
3 shall set the time and place at which the matter will be considered.  
4 At least a ten day notice of such time and place together with one copy  
5 of the written appeal, shall be given to the official whose decision is  
6 being appealed. At least ten days notice of the time and place shall  
7 also be given to the adverse parties of record in the case. The  
8 officer from whom the appeal is being taken shall forthwith transmit to  
9 the board of adjustment all of the records pertaining to the decision  
10 being appealed from, together with such additional written report as he  
11 or she deems pertinent.

12           **Sec. 4120.** RCW 36.70.880 and 1963 c 4 s 36.70.880 are each amended  
13 to read as follows:

14           The action by the zoning adjustor on all matters coming before him  
15 or her shall be final and conclusive unless within ten days after the  
16 zoning adjustor has made his or her order, requirement, decision or  
17 determination, an appeal in writing is filed with the board of  
18 adjustment. Such an appeal may be taken by the original applicant, or  
19 by opponents of record in the case.

20           **Sec. 4121.** RCW 36.71.020 and 1985 c 91 s 3 are each amended to  
21 read as follows:

22           Every peddler, before commencing business in any county of the  
23 state, shall apply in writing and under oath to the appropriate county  
24 official of the county in which he or she proposes to operate for a  
25 county license. The application must state the names and residences of  
26 the owners or parties in whose interest the business is to be  
27 conducted. The applicant at the same time shall file a true statement  
28 under oath of the quantity and value of the stock of goods, wares, and  
29 merchandise that is in the county for sale or to be kept or exposed for  
30 sale in the county, make a special deposit of five hundred dollars, and  
31 pay the county license fee as may be fixed under the authority of RCW  
32 36.32.120(3).

33           The appropriate county official shall thereupon issue to the  
34 applicant a peddler's license, authorizing him or her to do business in  
35 the county for the term of one year from the date thereof. Every  
36 county license shall contain a copy of the application therefor, shall

1 not be transferable, and shall not authorize more than one person to  
2 sell goods as a peddler, either by agent or clerk, or in any other way  
3 than his or her own proper person.

4 **Sec. 4122.** RCW 36.71.040 and 1985 c 91 s 5 are each amended to  
5 read as follows:

6 Upon the expiration and return of a county license, the appropriate  
7 county official shall cancel it, indorse thereon the cancellation, and  
8 place it on file. After holding the special deposit of the licensee  
9 for a period of ninety days from the date of cancellation, he or she  
10 shall return the deposit or such portion as may remain in his or her  
11 hands after satisfying the claims made against it.

12 **Sec. 4123.** RCW 36.71.050 and 1985 c 91 s 6 are each amended to  
13 read as follows:

14 Each deposit made with the county shall be subject to all taxes  
15 legally chargeable thereto, to attachment and execution on behalf of  
16 the creditors of the licensee whose claims arise in connection with the  
17 business done under his or her license, and the county may be held to  
18 answer as trustee in any civil action in contract or tort brought  
19 against any licensee, and shall pay over, under order of the court or  
20 upon execution, such amount of money as the licensee may be chargeable  
21 with upon the final determination of the case. Such deposit shall also  
22 be subject to the payment of any and all fines and penalties incurred  
23 by the licensee through violations of the provisions of RCW 36.71.010,  
24 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien  
25 upon the deposit and shall be collected in the manner provided by law.

26 **Sec. 4124.** RCW 36.71.070 and 1984 c 189 s 6 are each amended to  
27 read as follows:

28 (1) If any person sells any goods, wares, or merchandise, at  
29 auction or public outcry, or barter goods, wares or merchandise from  
30 traveling boats, wagons, carts or vehicles of any kind, or from any  
31 pack, basket or other package carried on foot without first having  
32 obtained a license therefor from the board of county commissioners of  
33 the county in which such goods are sold or bartered, he or she shall be  
34 guilty of a misdemeanor, and upon conviction shall be fined not less  
35 than five nor more than fifty dollars, and shall stand committed to the

1 county jail of the county in which the conviction is had until such  
2 fine and cost of prosecution are paid, or discharged by due course of  
3 law: PROVIDED, That this section shall not be construed as to apply to  
4 any seagoing craft or to administrators or executors selling property  
5 of deceased persons, or to private individuals selling their household  
6 property, or furniture, or farming tools, implements, or livestock, or  
7 any produce grown or raised by them, either at public auction or  
8 private sale.

9 (2) Notwithstanding subsection (1) of this section, counties shall  
10 not license auctioneers that are licensed by the state under chapter  
11 18.11 RCW.

12 **Sec. 4125.** RCW 36.76.120 and 1984 c 186 s 33 are each amended to  
13 read as follows:

14 The county legislative authority must ascertain and levy annually  
15 a tax sufficient to pay the interest on all such bonds whenever it  
16 becomes due and to meet the annual maturities of principal. The county  
17 treasurer must pay out of any money accumulated from the taxes levied  
18 to pay the interest as aforesaid, the interest upon all such bonds when  
19 it becomes due as provided on the bond or, if coupons are attached to  
20 a bond, upon presentation at the place of payment of the proper coupon.  
21 Any interest payments or coupons so paid must be reported to the county  
22 legislative authority at its first meeting thereafter. Whenever  
23 interest is payable at any place other than the city in which the  
24 county treasurer keeps his or her office, the county treasurer shall  
25 seasonably remit to the state fiscal agent the amount of money required  
26 for the payment of any interest which is about to fall due. When any  
27 such bonds or any interest is paid, the county treasurer shall suitably  
28 and indelibly cancel them.

29 **Sec. 4126.** RCW 36.77.070 and 1983 c 3 s 81 are each amended to  
30 read as follows:

31 If the board determines that any construction should be performed  
32 by day labor, and the estimated cost of the work exceeds twenty-five  
33 hundred dollars, it shall cause to be published in one issue of a  
34 newspaper of general circulation in the county, a brief description of  
35 the work to be done and the county road engineer's estimate of the cost  
36 thereof. At the completion of such construction, the board shall cause

1 to be published in one issue of such a newspaper a similar brief  
2 description of the work together with an accurate statement of the true  
3 and complete cost of performing such construction by day labor.

4 Failure to make the required publication shall subject each county  
5 commissioner to a fine of one hundred dollars for which he or she shall  
6 be liable individually and upon his or her official bond and the  
7 prosecuting attorney shall prosecute for violation of the provisions of  
8 this section and RCW 36.77.065.

9 **Sec. 4127.** RCW 36.78.090 and 1984 c 7 s 33 are each amended to  
10 read as follows:

11 (1) Before May 1st of each year the board shall transmit to the  
12 state treasurer certificates of good practice on behalf of the counties  
13 which during the preceding calendar year:

14 (a) Have submitted to the state department of transportation or to  
15 the board all reports required by law or regulation of the board; and

16 (b) Have reasonably complied with provisions of law relating to  
17 county road administration and with the standards of good practice as  
18 formulated and adopted by the board.

19 (2) The board shall not transmit to the state treasurer a  
20 certificate of good practice on behalf of any county failing to meet  
21 the requirements of subsection (1) of this section, but the board shall  
22 in such case and before May 1st, notify the county and the state  
23 treasurer of its reasons for withholding the certificate.

24 (3) The state treasurer, upon receiving a notice that a certificate  
25 of good practice will not be issued on behalf of a county, or that a  
26 previously issued certificate of good practice has been revoked, shall,  
27 effective the first day of the month after that in which notice is  
28 received, withhold from such county its share of motor vehicle fuel  
29 taxes distributable pursuant to RCW 46.68.120 until the board  
30 thereafter issues on behalf of such county a certificate of good  
31 practice or a conditional certificate. After withholding or revoking  
32 a certificate of good practice with respect to any county, the board  
33 may thereafter at any time issue such a certificate or a conditional  
34 certificate when the board is satisfied that the county has complied or  
35 is diligently attempting to comply with the requirements of subsection  
36 (1) of this section.

1 (4) The board may, upon notice and a hearing, revoke a previously  
2 issued certificate of good practice or substitute a conditional  
3 certificate therefor when, after issuance of a certificate of good  
4 practice, any county fails to meet the requirements of subsection (1)  
5 (a) and (b) of this section, but the board shall in such case notify  
6 the county and the state treasurer of its reasons for the revocation or  
7 substitution.

8 (5) Motor vehicle fuel taxes withheld from any county pursuant to  
9 this section shall not be distributed to any other county, but shall be  
10 retained in the motor vehicle fund to the credit of the county  
11 originally entitled thereto. Whenever the state treasurer receives  
12 from the board a certificate of good practice issued on behalf of such  
13 county he or she shall distribute to such county all of the funds  
14 theretofore retained in the motor vehicle fund to the credit of such  
15 county.

16 **Sec. 4128.** RCW 36.78.110 and 1990 c 266 s 3 are each amended to  
17 read as follows:

18 All expenses incurred by the board including salaries of employees  
19 shall be paid upon voucher forms provided by the office of financial  
20 management or pursuant to a regular payroll signed by the ((~~chairman~~)  
21 chair) and the executive director of the board. All expenses of the  
22 board shall be paid out of that portion of the motor vehicle fund  
23 allocated to the counties and withheld for use by the department of  
24 transportation and the county road administration board under the  
25 provisions of RCW 46.68.120(1), as now or hereafter amended.

26 **Sec. 4129.** RCW 36.79.160 and 1983 1st ex.s. c 49 s 17 are each  
27 amended to read as follows:

28 (1) Upon completion of a preliminary proposal, the county  
29 submitting the proposal shall submit to the board its voucher for  
30 payment of the trust account share of the cost. Upon the completion of  
31 an approved rural arterial construction project, the county  
32 constructing the project shall submit to the board its voucher for the  
33 payment of the trust account share of the cost. The ((~~chairman~~) chair  
34 of the board or his or her designated agent shall approve such voucher  
35 when proper to do so, for payment from the rural arterial trust account  
36 to the county submitting the voucher.

1 (2) The board may adopt rules providing for the approval of  
2 payments of funds in the rural arterial trust account to a county for  
3 costs of preliminary proposal, and costs of construction of an approved  
4 project from time to time as work progresses. These payments shall at  
5 no time exceed the rural arterial trust account share of the costs of  
6 construction incurred to the date of the voucher covering the payment.

7 **Sec. 4130.** RCW 36.79.170 and 1983 1st ex.s. c 49 s 18 are each  
8 amended to read as follows:

9 The legislative body of any county feeling aggrieved by any action  
10 or decision of the board with respect to this chapter may appeal to the  
11 secretary of transportation by filing a notice of appeal within ninety  
12 days after the action or decision of the board. The notice shall  
13 specify the action or decision of which complaint is made. The  
14 secretary shall fix a time for a hearing on the appeal at the earliest  
15 convenient time and shall notify the county auditor and the  
16 ((~~chairman~~)) chair of the board by certified mail at least twenty days  
17 before the date of the hearing. At the hearing the secretary shall  
18 receive evidence from the county filing the appeal and from the board.  
19 After the hearing the secretary shall make such order as in the  
20 secretary's judgment is just and proper.

21 **\*Sec. 4131.** RCW 36.80.015 and 1963 c 4 s 36.80.015 are each amended  
22 to read as follows:

23 *The county road engineer shall keep his or her office at the county  
24 seat in such room or rooms as are provided by the county, and he or she  
25 shall be furnished with all necessary cases and other suitable  
26 articles, and also with all blank books and blanks necessary to the  
27 proper discharge of his or her official duties. The records and books  
28 in the county road engineer's office shall be public records, and shall  
29 at all proper times be open to the inspection and examination of the  
30 public.*

*\*Sec. 4131 was vetoed. See message at end of chapter.*

31 **Sec. 4132.** RCW 36.80.020 and 1969 ex.s. c 182 s 7 are each amended  
32 to read as follows:

33 He or she shall be a registered and licensed professional civil  
34 engineer under the laws of this state, duly qualified and experienced

1 in highway and road engineering and construction. He or she shall  
2 serve at the pleasure of the board.

3 Before entering upon his or her employment, every county road  
4 engineer shall give an official bond to the county in such amount as  
5 the board shall determine, conditioned upon the fact that he or she  
6 will faithfully perform all the duties of his or her employment and  
7 account for all property of the county entrusted to his or her care.

8 **Sec. 4133.** RCW 36.80.030 and 1969 ex.s. c 182 s 8 are each amended  
9 to read as follows:

10 The county road engineer shall examine and certify to the board all  
11 estimates and all bills for labor, materials, provisions, and supplies  
12 with respect to county roads, prepare standards of construction of  
13 roads and bridges, and perform such other duties as may be required by  
14 order of the board.

15 He or she shall have supervision, under the direction of the board,  
16 of establishing, laying out, constructing, altering, improving,  
17 repairing, (~~(and)~~) and maintaining all county roads of the county.

18 **Sec. 4134.** RCW 36.80.050 and 1963 c 4 s 36.80.050 are each amended  
19 to read as follows:

20 He or she shall keep a highway plat book in his or her office in  
21 which he or she shall have accurately platted all public roads and  
22 highways established by the board.

23 **Sec. 4135.** RCW 36.80.060 and 1969 ex.s. c 182 s 10 are each  
24 amended to read as follows:

25 The county road engineer shall maintain in his or her office  
26 complete and accurate records of all expenditures for (1)  
27 administration, (2) bond and warrant retirement, (3) maintenance, (4)  
28 construction, (5) purchase and operation of road equipment, and (6)  
29 purchase or manufacture of materials and supplies, and shall maintain  
30 a true and complete inventory of all road equipment. The state  
31 auditor, with the advice and assistance of the county road  
32 administration board, shall prescribe forms and types of records to be  
33 maintained by the county road engineers.

1       **Sec. 4136.** RCW 36.81.050 and 1963 c 4 s 36.81.050 are each amended  
2 to read as follows:

3       Whenever directed by the board to report upon the establishment of  
4 a county road the engineer shall make an examination of the road and if  
5 necessary a survey thereof. After examination, if the engineer deems  
6 the road to be impracticable, he or she shall so report to the board  
7 without making any survey, or he or she may examine or examine and  
8 survey any other practicable route which would serve such purpose.  
9 Whenever he or she considers any road as proposed or modified as  
10 practicable, he or she shall report thereon in writing to the board  
11 giving his or her opinion: (1) As to the necessity of the road; (2) as  
12 to the proper terminal points, general course and length thereof; (3)  
13 as to the proper width of right-of-way therefor; (4) as to the  
14 estimated cost of construction, including all necessary bridges,  
15 culverts, clearing, grubbing, drainage, and grading; (5) and such other  
16 facts as he or she may deem of importance to be considered by the  
17 board.

18       **Sec. 4137.** RCW 36.81.060 and 1963 c 4 s 36.81.060 are each amended  
19 to read as follows:

20       The county road engineer shall file with his or her report a  
21 correctly prepared map of the road as surveyed, which map must show the  
22 tracts of land over which the road passes, with the names, if known, of  
23 the several owners thereof, and he or she shall file therewith his or  
24 her field notes and profiles of such survey.

25       **Sec. 4138.** RCW 36.82.100 and 1963 c 4 s 36.82.100 are each amended  
26 to read as follows:

27       The boards of the several counties may purchase and operate, out of  
28 the county road fund, rock crushing, gravel, or other road building  
29 material extraction equipment.

30       Any crushed rock, gravel, or other road building material extracted  
31 and not directly used or needed by the county in the construction,  
32 alteration, repair, improvement, or maintenance of its roads may be  
33 sold at actual cost of production by the board to the state or any  
34 other county, city, town, or other political subdivision to be used in  
35 the construction, alteration, repair, improvement, or maintenance of  
36 any state, county, city, town or other proper highway, road or street

1 purpose: PROVIDED, That in counties of less than twelve thousand five  
2 hundred population as determined by the 1950 federal census, the boards  
3 of commissioners, during such times as the crushing, loading or mixing  
4 equipment is actually in operation, or from stockpiles, may sell at  
5 actual cost of production such surplus crushed rock, gravel, or other  
6 road building material to any other person for private use where the  
7 place of contemplated use of such crushed rock, gravel or other road  
8 building material is more than fifteen miles distant from the nearest  
9 private source of such materials within the county, distance being  
10 computed by the closest traveled route: AND PROVIDED FURTHER, That the  
11 purchaser presents, at or before the time of delivery to him or her, a  
12 treasurer's receipt for payment for such surplus crushed rock, gravel,  
13 or any other road building material.

14 **Sec. 4139.** RCW 36.87.040 and 1963 c 4 s 36.87.040 are each amended  
15 to read as follows:

16 When directed by the board the county road engineer shall examine  
17 any county road or portion thereof proposed to be vacated and abandoned  
18 and report his or her opinion as to whether the county road should be  
19 vacated and abandoned, whether the same is in use or has been in use,  
20 the condition of the road, whether it will be advisable to preserve it  
21 for the county road system in the future, whether the public will be  
22 benefited by the vacation and abandonment, and all other facts,  
23 matters, and things which will be of importance to the board, and also  
24 file his or her cost bill.

25 **Sec. 4140.** RCW 36.88.040 and 1963 c 4 s 36.88.040 are each amended  
26 to read as follows:

27 The election provided herein for cases where the improvement is  
28 initiated by resolution shall be governed by the following rules: (1)  
29 All ballots must be signed by the owner or reputed owner of property  
30 within the proposed district according to the records of the county  
31 auditor; (2) each ballot must be returned to the clerk of the board not  
32 later than one week after the public hearing; (3) each property owner  
33 shall have one vote for each full dollar of estimated assessment  
34 against his or her property as determined by the preliminary estimates  
35 and assessment roll; (4) the valid ballots shall be tabulated and a

1 majority of the votes cast shall determine whether the formation of the  
2 district shall be approved or rejected.

3 **Sec. 4141.** RCW 36.88.130 and 1963 c 4 s 36.88.130 are each amended  
4 to read as follows:

5 The county treasurer is hereby designated as the treasurer of all  
6 county road improvement districts created hereunder, and shall collect  
7 all road improvement district assessments, and the duties and  
8 responsibilities herein imposed upon him or her shall be among the  
9 duties and responsibilities of his or her office for which his or her  
10 bond is given as county treasurer.

11 **Sec. 4142.** RCW 36.88.150 and 1963 c 4 s 36.88.150 are each amended  
12 to read as follows:

13 Whenever before the sale of any property the amount of any  
14 assessment thereon, with interest, penalty, costs and charges accrued  
15 thereon, shall be paid to the treasurer, he or she shall thereon mark  
16 the same paid with the date of payment thereof on the assessment roll.

17 **Sec. 4143.** RCW 36.88.200 and 1983 c 167 s 94 are each amended to  
18 read as follows:

19 (1) Such bonds shall be numbered from one upwards consecutively,  
20 shall be in such denominations as may be provided by the county  
21 legislative authority in the resolution authorizing their issuance,  
22 shall mature on or before a date not to exceed twenty-two years from  
23 and after their date, shall bear interest at such rate or rates as  
24 authorized by the legislative authority payable annually or  
25 semiannually as may be provided by the legislative authority, shall be  
26 signed by the ((~~chairman~~)) chair of the legislative authority and  
27 attested by the county auditor, shall have the seal of the county  
28 affixed thereto, and shall be payable at the office of the county  
29 treasurer or elsewhere as may be designated by the legislative  
30 authority. Such bonds may be in any form, including bearer bonds or  
31 registered bonds as provided in RCW 39.46.030. In lieu of any  
32 signatures required in this section, the bonds and any coupons may bear  
33 the printed or engraved facsimile signatures of said officials.

34 Such bonds shall refer to the improvement for which they are issued  
35 and to the resolution creating the road improvement district therefor.

1 (2) Notwithstanding subsection (1) of this section, such bonds may  
2 be issued and sold in accordance with chapter 39.46 RCW.

3 **Sec. 4144.** RCW 36.88.250 and 1963 c 4 s 36.88.250 are each amended  
4 to read as follows:

5 If the board fails to cause any bonds to be paid when due or to  
6 promptly collect any assessments when due, the owner of any of the  
7 bonds may proceed in his or her own name to collect the assessments and  
8 foreclose the lien thereof in any court of competent jurisdiction and  
9 shall recover in addition to the amount of the bonds outstanding in his  
10 or her name, interest thereon at five percent per annum, together with  
11 the costs of suit, including a reasonable attorney's fee to be fixed by  
12 the court. Any number of owners of bonds for any single project may  
13 join as plaintiffs and any number of the owners of property upon which  
14 the assessments are liens may be joined as defendants in the same suit.

15 **Sec. 4145.** RCW 36.88.270 and 1963 c 4 s 36.88.270 are each amended  
16 to read as follows:

17 The owner of any lot, tract, or parcel of land, or other property  
18 charged with any such assessments may redeem the same from all or any  
19 portion of the liability for the cost and expense of such improvement  
20 by paying the entire assessment or any portion thereof charged against  
21 such lot, tract, or parcel of land without interest within thirty days  
22 after notice to him or her of such assessment, which notice shall be  
23 given as follows: The county treasurer shall, as soon as the  
24 assessment roll has been placed in his or her hands for collection,  
25 publish a notice for two consecutive daily or weekly issues in the  
26 official newspaper of the county in which the district is located,  
27 which notice shall state that the assessment roll is in his or her  
28 hands for collection and that any assessment thereon or any portion of  
29 such assessment may be paid at any time within thirty days from the  
30 date of the first publication of said notice without penalty interest  
31 or costs.

32 **Sec. 4146.** RCW 36.88.300 and 1963 c 4 s 36.88.300 are each amended  
33 to read as follows:

34 Whenever any district is organized hereunder, there shall be  
35 included in the cost and expense thereof: (1) The cost of all of the

1 construction or improvement authorized in the district, including that  
2 portion of the construction or improvement within the limits of any  
3 street or road intersection, space or spaces; (2) the estimated costs  
4 and expenses of all engineering and surveying necessary to be done by  
5 the county engineer or under his or her direction or by such other  
6 engineer as may be employed by the county commissioners; (3) the cost  
7 of all advertising, mailing, and publishing of all notices; (4) the  
8 cost of legal services and any other expenses incurred by the county  
9 for the district or in the formation thereof, or by the district in  
10 connection with such construction or improvement and in the financing  
11 thereof, including the issuance of any bonds.

12 **Sec. 4147.** RCW 36.88.330 and 1980 c 100 s 6 are each amended to  
13 read as follows:

14 The board may provide by resolution for the issuance of warrants in  
15 payment of the costs and expenses of any project, payable out of the  
16 county road improvement fund. The warrants shall be redeemed either in  
17 cash or by bonds for the same project authorized by the resolution.

18 All warrants issued against any such improvement fund shall be  
19 claims and liens against said fund prior and superior to any right,  
20 lien or claim of any surety upon the bond given to the county by or for  
21 the contract to secure the performance of his or her contract or to  
22 secure the payment of persons who have performed work thereon,  
23 furnished materials therefor, or furnished provisions and supplies for  
24 the carrying on of the work.

25 The county treasurer may accept warrants against any county road  
26 improvement fund upon such conditions as the board may prescribe in  
27 payment of: (1) Assessments levied to supply that fund in due order of  
28 priority; (2) judgments rendered against property owners who have  
29 become delinquent in the payment of assessments to that fund; and (3)  
30 certificates of purchase in cases where property of delinquents has  
31 been sold under execution or at tax sale for failure to pay assessments  
32 levied to supply that fund.

33 **Sec. 4148.** RCW 36.88.450 and 1967 c 194 s 5 are each amended to  
34 read as follows:

35 When service from the underground electric and communication  
36 facilities is available in all or part of a conversion area, the county

1 shall mail a notice to the owners of all structures or improvements  
2 served from the existing overhead facilities in the area, which notice  
3 shall state that:

4 (1) Service from the underground facilities is available;

5 (2) All electric and communication service lines from the existing  
6 overhead facilities within the area to any structure or improvement  
7 must be disconnected and removed within one hundred twenty days after  
8 the date of the mailing of the notice;

9 (3) Should such owner fail to convert such service lines from  
10 overhead to underground within one hundred twenty days after the date  
11 of the mailing of the notice, the county will order the electric and  
12 communication utilities to disconnect and remove the service lines;

13 (4) Should the owner object to the disconnection and removal of the  
14 service lines he or she may file his or her written objections thereto  
15 with the secretary of the board of county commissioners within one  
16 hundred twenty days after the date of the mailing of the notice and  
17 failure to so object within such time will constitute a waiver of his  
18 or her right thereafter to object to such disconnection and removal.

19 If the owner of any structure or improvement served from the  
20 existing overhead electric and communication facilities within a  
21 conversion area shall fail to convert to underground the service lines  
22 from such overhead facilities to such structure or improvement within  
23 one hundred twenty days after the mailing to him or her of the notice,  
24 the county shall order the electric and communication utilities to  
25 disconnect and remove all such service lines: PROVIDED, That if the  
26 owner has filed his or her written objections to such disconnection and  
27 removal with the secretary of the board of county commissioners within  
28 one hundred twenty days after the mailing of said notice then the  
29 county shall not order such disconnection and removal until after the  
30 hearing on such objections.

31 Upon the timely filing by the owner of objections to the  
32 disconnection and removal of the service lines, the board of county  
33 commissioners shall conduct a hearing to determine whether the removal  
34 of all or any part of the service lines is in the public benefit. The  
35 hearing shall be held at such time as the board of county commissioners  
36 may establish for hearings on such objections and shall be held in  
37 accordance with the regularly established procedure set by the board.

1 The determination reached by the board of county commissioners shall be  
2 final in the absence of an abuse of discretion.

3 **Sec. 4149.** RCW 36.90.030 and 1998 c 107 s 2 are each amended to  
4 read as follows:

5 The board of county commissioners in the county of Lewis as  
6 administrators of all property relating to the southwest Washington  
7 fair may elect to appoint either (1) a designee, whose operation and  
8 funds the board may control and oversee, to carry out the board's  
9 duties and obligations as set forth in RCW 36.90.020, or (2) a  
10 commission of citizens to advise and assist in carrying out such fair.  
11 The ((~~chairman~~)) chair of the board of county commissioners of Lewis  
12 county may elect to serve as ((~~chairman~~)) chair of any such commission.  
13 Such commission may elect a president and secretary and define their  
14 duties and fix their compensation, and provide for the keeping of its  
15 records. The commission may also designate the treasurer of Lewis  
16 county as fair treasurer. The funds relating to fair activities shall  
17 be kept separate and apart from the funds of Lewis county, but shall be  
18 deposited in the regular depositories of Lewis county and all interest  
19 earned thereby shall be added to and become a part of the funds. Fair  
20 funds shall be audited as are other county funds.

21 **Sec. 4150.** RCW 36.92.030 and 1967 ex.s. c 103 s 4 are each amended  
22 to read as follows:

23 By resolution, the board of county commissioners may create a  
24 county central services department which shall be organized and  
25 function as any other department of the county. When a board creates  
26 a central services department, it shall also provide for the  
27 appointment of a supervisor to be the administrative head of such  
28 department, subject to the supervision and control of the board, and to  
29 serve at the pleasure of the board. The supervisor shall receive such  
30 salary as may be prescribed by the board. In addition, the supervisor  
31 shall be reimbursed for traveling and other actual and necessary  
32 expenses incurred by him or her in the performance of his or her  
33 official duties.

34 **Sec. 4151.** RCW 36.93.070 and 1997 c 77 s 1 are each amended to  
35 read as follows:

1 The members of each boundary review board shall elect from its  
2 members a ((~~chairman~~)) chair, vice ((~~chairman~~)) chair, and shall employ  
3 a nonmember as chief clerk, who shall be the secretary of the board.  
4 The board shall determine its own rules and order of business and shall  
5 provide by resolution for the time and manner of holding all regular or  
6 special meetings: PROVIDED, That all meetings shall be subject to  
7 chapter 42.30 RCW. The board shall keep a journal of its proceedings  
8 which shall be a public record. A majority of all the members shall  
9 constitute a quorum for the transaction of business.

10 The chief clerk of the board shall have the power to administer  
11 oaths and affirmations, certify to all official acts, issue subpoenas  
12 to any public officer or employee ordering him or her to testify before  
13 the board and produce public records, papers, books or documents. The  
14 chief clerk may invoke the aid of any court of competent jurisdiction  
15 to carry out such powers.

16 The board by rule may provide for hearings by panels of members  
17 consisting of not less than five board members, the number of hearing  
18 panels and members thereof, and for the impartial selection of panel  
19 members. A majority of a panel shall constitute a quorum thereof.

20 At the request of the board, the state attorney general, or at the  
21 board's option, the county prosecuting attorney, shall provide counsel  
22 for the board.

23 The planning departments of the county, other counties, and any  
24 city, and any state or regional planning agency shall furnish such  
25 information to the board at its request as may be reasonably necessary  
26 for the performance of its duties.

27 Each member of the board shall be compensated from the county  
28 current expense fund at the rate of fifty dollars per day, or a major  
29 portion thereof, for time actually devoted to the work of the boundary  
30 review board. Each board of county commissioners shall provide such  
31 funds as shall be necessary to pay the salaries of the members and  
32 staff, and such other expenses as shall be reasonably necessary.

33 **Sec. 4152.** RCW 36.93.110 and 1987 c 477 s 4 are each amended to  
34 read as follows:

35 Where an area proposed for annexation is less than ten acres and  
36 less than two million dollars in assessed valuation, the ((~~chairman~~))  
37 chair of the review board may by written statement declare that review

1 by the board is not necessary for the protection of the interest of the  
2 various parties, in which case the board shall not review such  
3 annexation.

4 **Sec. 4153.** RCW 36.93.160 and 1994 c 216 s 16 are each amended to  
5 read as follows:

6 (1) When the jurisdiction of the boundary review board has been  
7 invoked, the board shall set the date, time and place for a public  
8 hearing on the proposal. The board shall give at least thirty days'  
9 advance written notice of the date, time and place of the hearing to  
10 the governing body of each governmental unit having jurisdiction within  
11 the boundaries of the territory proposed to be annexed, formed,  
12 incorporated, disincorporated, dissolved or consolidated, or within the  
13 boundaries of a special district whose assets and facilities are  
14 proposed to be assumed by a city or town, and to the governing body of  
15 each city within three miles of the exterior boundaries of the area and  
16 to the proponent of the change. Notice shall also be given by  
17 publication in any newspaper of general circulation in the area of the  
18 proposed boundary change at least three times, the last publication of  
19 which shall be not less than five days prior to the date set for the  
20 public hearing. Notice shall also be posted in ten public places in  
21 the area affected for five days when the area is ten acres or more.  
22 When the area affected is less than ten acres, five notices shall be  
23 posted in five public places for five days. Notice as provided in this  
24 subsection shall include any territory which the board has determined  
25 to consider adding in accordance with RCW 36.93.150(2).

26 (2) A verbatim record shall be made of all testimony presented at  
27 the hearing and upon request and payment of the reasonable costs  
28 thereof, a copy of the transcript of the testimony shall be provided to  
29 any person or governmental unit.

30 (3) The ((~~chairman~~)) chair upon majority vote of the board or a  
31 panel may direct the chief clerk of the boundary review board to issue  
32 subpoenas to any public officer to testify, and to compel the  
33 production by him or her of any records, books, documents, public  
34 records or public papers.

35 (4) Within forty days after the conclusion of the final hearing on  
36 the proposal, the board shall file its written decision, setting forth  
37 the reasons therefor, with the board of county commissioners and the

1 clerk of each governmental unit directly affected. The written  
2 decision shall indicate whether the proposed change is approved,  
3 rejected or modified and, if modified, the terms of the modification.  
4 The written decision need not include specific data on every factor  
5 required to be considered by the board, but shall indicate that all  
6 standards were given consideration. Dissenting members of the board  
7 shall have the right to have their written dissents included as part of  
8 the decision.

9 (5) Unanimous decisions of the hearing panel or a decision of a  
10 majority of the members of the board shall constitute the decision of  
11 the board and shall not be appealable to the whole board. Any other  
12 decision shall be appealable to the entire board within ten days.  
13 Appeals shall be on the record, which shall be furnished by the  
14 appellant, but the board may, in its sole discretion, permit the  
15 introduction of additional evidence and argument. Decisions shall be  
16 final and conclusive unless within thirty days from the date of the  
17 action a governmental unit affected by the decision or any person  
18 owning real property or residing in the area affected by the decision  
19 files in the superior court a notice of appeal.

20 The filing of the notice of appeal within the time limit shall stay  
21 the effective date of the decision of the board until such time as the  
22 appeal shall have been adjudicated or withdrawn. On appeal the  
23 superior court shall not take any evidence other than that contained in  
24 the record of the hearing before the board.

25 (6) The superior court may affirm the decision of the board or  
26 remand the case for further proceedings; or it may reverse the decision  
27 if any substantial rights may have been prejudiced because the  
28 administrative findings, inferences, conclusions, or decisions are:

- 29 (a) In violation of constitutional provisions, or
- 30 (b) In excess of the statutory authority or jurisdiction of the  
31 board, or
- 32 (c) Made upon unlawful procedure, or
- 33 (d) Affected by other error of law, or
- 34 (e) Unsupported by material and substantial evidence in view of the  
35 entire record as submitted, or
- 36 (f) Clearly erroneous.

37 An aggrieved party may seek appellate review of any final judgment of

1 the superior court in the manner provided by law as in other civil  
2 cases.

3 **Sec. 4154.** RCW 36.94.060 and 1971 ex.s. c 96 s 3 are each amended  
4 to read as follows:

5 The members of each review committee shall elect from its members  
6 a ((~~chairman~~)) chair and a secretary. The committee shall determine  
7 its own rules and order of business and shall provide by resolution for  
8 the time and manner of its proceedings which shall be a public record.  
9 A majority of all the members shall constitute a quorum for the  
10 transaction of business.

11 Each member of the committee shall be compensated from the county  
12 current expense fund at the rate of twenty-five dollars per day, or a  
13 major portion thereof, for time actually devoted to the work of the  
14 committee in reviewing any proposed sewerage and/or water general plan  
15 or amendments to a plan. Each board of county commissioners shall  
16 provide such funds as shall be necessary to pay the compensation of the  
17 members and such other expenses as shall be reasonably necessary. Such  
18 payments shall be reimbursed to the counties advancing the funds from  
19 moneys acquired from the construction or operation of a sewerage and/or  
20 water system.

21 **Sec. 4155.** RCW 36.94.290 and 1988 c 202 s 41 are each amended to  
22 read as follows:

23 The decision of the board of county commissioners upon any  
24 objections made within the time and in the manner herein prescribed,  
25 may be reviewed by the superior court upon an appeal thereto taken in  
26 the following manner. Such appeal shall be made by filing written  
27 notice of appeal with the clerk of the board of county commissioners  
28 and with the clerk of the superior court within ten days after the  
29 resolution confirming such assessment roll shall have become published,  
30 and such notice shall describe the property and set forth the  
31 objections of such appellant to such assessment. Within the ten days  
32 from the filing of such notice of appeal with the clerk of the superior  
33 court, the appellant shall file with the clerk of said court, a  
34 transcript consisting of the assessment roll and his or her objections  
35 thereto, together with the resolution confirming such assessment roll  
36 and the record of the board of county commissioners with reference to

1 said assessment, which transcript, upon payment of the necessary fees  
2 therefor, shall be furnished by such clerk of the board of county  
3 commissioners and by him or her certified to contain full, true and  
4 correct copies of all matters and proceedings required to be included  
5 in such transcript. Such fees shall be the same as the fees payable to  
6 the county clerk for the preparation and certification of transcripts  
7 on appeal to the supreme court or the court of appeals in civil  
8 actions. At the time of the filing of the notice of appeal with the  
9 clerk of the superior court a sufficient bond in the penal sum of two  
10 hundred dollars, with sureties thereon as provided by law for appeals  
11 in civil cases, shall be filed conditioned to prosecute such appeal  
12 without delay, and if unsuccessful, to pay all costs to which the  
13 county is put by reason of such appeal. The court may order the  
14 appellant upon application therefor, to execute and file such  
15 additional bond or bonds as the necessity of the case may require.  
16 Within three days after such transcript is filed in the superior court,  
17 as aforesaid, the appellant shall give written notice to the clerk of  
18 the board of county commissioners that such transcript is filed. Said  
19 notice shall state a time, not less than three days from the service  
20 thereof, when the appellant will call up the said cause for hearing.  
21 The superior court shall, at said time or at such further time as may  
22 be fixed by order of the court, hear and determine such appeal without  
23 a jury, and such cause shall have preference over all civil causes  
24 pending in said court, except proceedings under an act relating to  
25 eminent domain in such county and actions of forcible entry and  
26 detainer. The judgment of the court shall confirm, correct, modify or  
27 annul the assessment insofar as the same affects the property of the  
28 appellant. A certified copy of the decision of the court shall be  
29 filed with the officer who shall have the custody of the assessment  
30 roll, and he or she shall modify and correct such assessment roll in  
31 accordance with such decision. Appellate review of the judgment of the  
32 superior court may be sought as in other cases. However, review must  
33 be sought within fifteen days after the date of the entry of the  
34 judgment of such superior court. The supreme court or the court of  
35 appeals on such appeal may correct, change, modify, confirm or annul  
36 the assessment insofar as the same affects the property of the  
37 appellant. A certified copy of the order of the supreme court or the

1 court of appeals upon such appeal shall be filed with the officer  
2 having custody of such assessment roll, who shall thereupon modify and  
3 correct such assessment roll in accordance with such decision.

4 **Sec. 4156.** RCW 36.94.340 and 1975 1st ex.s. c 188 s 10 are each  
5 amended to read as follows:

6 When a municipal corporation and a county have entered into a  
7 written agreement providing for the transfer to such county of all or  
8 part of the property of such municipal corporation, proceedings may be  
9 initiated in the superior court for that county by the filing of a  
10 petition to which there shall be attached copies of the agreement of  
11 the parties and of the resolutions of the governing body of the  
12 municipal corporation and the legislative authority of the county  
13 authorizing its execution. Such petition shall ask that the court  
14 approve and direct the proposed transfer of property, and any  
15 assumption of indebtedness agreed to in consideration thereof by the  
16 county, after finding such transfer and acquisition of property to be  
17 in the public interest and conducive to the public health, safety,  
18 welfare, or convenience. Such petition shall be signed by the members  
19 of the legislative authority of the county or chief administrative  
20 officer of the municipal corporation and the (~~chairman~~) chair of the  
21 legislative authority of the county, respectively, upon authorization  
22 by the governing body of the municipal corporation and the legislative  
23 authority of the county.

24 Within thirty days after the filing of the petition of the parties  
25 with copies of their agreement and the resolutions authorizing its  
26 execution attached thereto, the court shall by order fix a date for a  
27 hearing on the petition not less than twenty nor more than ninety days  
28 after the entry of such order which also shall prescribe the form and  
29 manner of notice of such hearing to be given. After considering the  
30 petition and such evidence as may be presented at the hearing thereon,  
31 the court may determine by decree that the proposed transfer of  
32 property is in the public interest and conducive to the public health,  
33 safety, welfare, or convenience, approve the agreement of the parties  
34 and direct that such transfer be accomplished in accordance with that  
35 agreement at the time and in the manner prescribed by the court decree.

1       **Sec. 4157.** RCW 36.95.060 and 1992 c 150 s 1 are each amended to  
2 read as follows:

3       The business of the district shall be conducted by the board of the  
4 television reception improvement district, hereinafter referred to as  
5 the "board". The board shall be constituted as provided under either  
6 subsection (1) or (2) of this section.

7       (1) The board of a district having boundaries different from the  
8 county's shall have either three, five, seven, or nine members, as  
9 determined by the board of county commissioners at the time the  
10 district is created. Each member shall reside within the boundaries of  
11 the district and shall be appointed by the board of county  
12 commissioners for a term of three years, or until his or her successor  
13 has qualified, except that the board of county commissioners shall  
14 appoint one of the members of the first board to a one-year term and  
15 two to two-year terms. There is no limit upon the number of terms to  
16 which a member may be reappointed after his or her first appointment.  
17 A majority of the members of the board shall constitute a quorum for  
18 the transaction of business, but the majority vote of the board members  
19 shall be necessary for any action taken by the board. The board shall  
20 elect from among its members a (~~chairman~~) chair and such other  
21 officers as may be necessary. In the event a seat on the board is  
22 vacated prior to the expiration of the term of the member appointed to  
23 such seat, the board of county commissioners shall appoint a person to  
24 complete the unexpired term.

25       (2) Upon the creation of a district having boundaries identical to  
26 those of the county (a county-wide district), the county commissioners  
27 shall be the members of the board of the district and shall have all  
28 the powers and duties of the board as provided under the other sections  
29 of this chapter. The county commissioners shall be reimbursed pursuant  
30 to the provisions of RCW 36.95.070, and shall conduct the business of  
31 the district according to the regular rules and procedures applicable  
32 to meetings of the board of county commissioners.

33       **Sec. 4158.** RCW 36.95.100 and 1981 c 52 s 2 are each amended to  
34 read as follows:

35       The tax provided for in RCW 36.95.090 and this section shall not  
36 exceed sixty dollars per year per television set, and no person shall  
37 be taxed for more than one television set, except that a motel or hotel

1 or any person owning in excess of five television sets shall pay at a  
2 rate of one-fifth of the annual tax rate imposed for each of the first  
3 five television sets and one-tenth of such rate for each additional set  
4 thereafter. An owner of a television set within the district shall be  
5 exempt from paying any tax on such set under this chapter: (1) If  
6 either (a) his or her television set does not receive at least a class  
7 grade B contour signal retransmitted by the television translator  
8 station or other similar device operated by the district, as such class  
9 is defined under regulations of the Federal Communications Commission  
10 as of August 9, 1971, or (b) he or she is currently subscribing to and  
11 receiving the services of a community antenna system (CATV) to which  
12 his or her television set is connected; and (2) if he or she filed a  
13 statement with the board claiming his or her grounds for exemption.  
14 Space for such statement shall be provided for in the tax notice which  
15 the treasurer shall send to taxpayers in behalf of the district.

16 **Sec. 4159.** RCW 36.95.110 and 1981 c 52 s 3 are each amended to  
17 read as follows:

18 Any person owing the excise tax provided for under this chapter and  
19 who fails to pay the same within sixty days after the board or the  
20 county treasurer has sent the tax bill to him or her, shall be deemed  
21 to be delinquent. Such person shall be liable for all costs to the  
22 county or district attributable to collecting the tax but no such  
23 excise tax or costs, nor any judgment based thereon, shall be deemed to  
24 create a lien against real property.

25 **Sec. 4160.** RCW 36.95.150 and 1971 ex.s. c 155 s 15 are each  
26 amended to read as follows:

27 Any claim against the district shall be presented to the board.  
28 Upon allowance of the claim, the board shall submit a voucher, signed  
29 by the ((~~chairman~~)) chair and one other member of the board, to the  
30 county auditor for the issuance of a warrant in payment of said claim.  
31 This procedure for payment of claims shall apply to the reimbursement  
32 of board members for their actual and necessary expenses incurred by  
33 them in the performance of their official duties.

34 **Sec. 4161.** RCW 36.95.160 and 1983 c 167 s 103 are each amended to  
35 read as follows:

1           The treasurer of the county in which a district is located shall be  
2 ex officio treasurer of the district. The treasurer shall collect the  
3 excise tax provided for under this chapter and shall send notice of  
4 payment due to persons owing the tax: PROVIDED, That districts with  
5 fewer than twelve hundred persons subject to the excise tax and levying  
6 an excise tax of forty dollars or more per television set per year  
7 shall have the option of having the district (1) send the tax notices  
8 bimonthly, and (2) collect the excise taxes which shall then be  
9 forwarded to the county treasurer for deposit in the district account.  
10 There shall be deposited with him or her all funds of the district.  
11 All district payments shall be made by him or her from such funds upon  
12 warrants issued by the county auditor, except the sums to be paid out  
13 of any bond fund for principal and interest payments on bonds. All  
14 warrants shall be paid in the order of issuance. The treasurer shall  
15 report monthly to the board, in writing, the amount in the district  
16 fund or funds.

17

#### PART V

18           **Sec. 5001.** RCW 43.01.040 and 1984 c 184 s 19 are each amended to  
19 read as follows:

20           Each subordinate officer and employee of the several offices,  
21 departments, and institutions of the state government shall be entitled  
22 under their contract of employment with the state government to not  
23 less than one working day of vacation leave with full pay for each  
24 month of employment if said employment is continuous for six months.

25           Each such subordinate officer and employee shall be entitled under  
26 such contract of employment to not less than one additional working day  
27 of vacation with full pay each year for satisfactorily completing the  
28 first two, three and five continuous years of employment respectively.

29           Such part time officers or employees of the state government who  
30 are employed on a regular schedule of duration of not less than one  
31 year shall be entitled under their contract of employment to that  
32 fractional part of the vacation leave that the total number of hours of  
33 such employment bears to the total number of hours of full time  
34 employment.

35           Each subordinate officer and employee of the several offices,  
36 departments and institutions of the state government shall be entitled

1 under his or her contract of employment with the state government to  
2 accrue unused vacation leave not to exceed thirty working days.  
3 Officers and employees transferring within the several offices,  
4 departments and institutions of the state government shall be entitled  
5 to transfer such accrued vacation leave to each succeeding state  
6 office, department or institution. All vacation leave shall be taken  
7 at the time convenient to the employing office, department or  
8 institution: PROVIDED, That if a subordinate officer's or employee's  
9 request for vacation leave is deferred by reason of the convenience of  
10 the employing office, department or institution, and a statement of the  
11 necessity therefor is filed by such employing office, department or  
12 institution with the appropriate personnel board or other state agency  
13 or officer, then the aforesaid maximum thirty working days of accrued  
14 unused vacation leave shall be extended for each month said leave is so  
15 deferred.

16 **Sec. 5002.** RCW 43.01.050 and 1985 c 57 s 26 are each amended to  
17 read as follows:

18 Each state officer or other person, other than county treasurer,  
19 who is authorized by law to collect or receive moneys which are  
20 required by statute to be deposited in the state treasury shall  
21 transmit to the state treasurer each day, all such moneys collected by  
22 him or her on the preceding day: PROVIDED, That the state treasurer  
23 may in his or her discretion grant exceptions where such daily  
24 transfers would not be administratively practical or feasible. In the  
25 event that remittances are not accompanied by a statement designating  
26 source and fund, the state treasurer shall deposit these moneys in an  
27 account hereby created in the state treasury to be known as the  
28 undistributed receipts account. These moneys shall be retained in the  
29 account until such time as the transmitting agency provides a statement  
30 in duplicate of the source from which each item of money was derived  
31 and the fund into which it is to be transmitted. The director of  
32 financial management in accordance with RCW 43.88.160 shall promulgate  
33 regulations designed to assure orderly and efficient administration of  
34 this account. In the event moneys are deposited in this account that  
35 constitute overpayments, refunds may be made by the remitting agency  
36 without virtue of a legislative appropriation.

1       **Sec. 5003.** RCW 43.01.070 and 1965 c 8 s 43.01.070 are each amended  
2 to read as follows:

3       If any officer fails to comply with the provisions of RCW  
4 43.01.050, he or she shall be liable to the state upon his or her  
5 official bond in a sum equal to ten percent annual interest on the  
6 funds for such time as he or she retained them.

7       **Sec. 5004.** RCW 43.03.011 and 2007 c 524 s 1 are each amended to  
8 read as follows:

9       Pursuant to Article XXVIII, section 1 of the state Constitution and  
10 RCW 43.03.010 and 43.03.310, the annual salaries of the state elected  
11 officials of the executive branch shall be as follows:

- 12       (1) Effective September 1, 2006:
  - 13       (a) Governor . . . . . \$ 150,995
  - 14       (b) Lieutenant governor . . . . . \$ 78,930
  - 15       (c) Secretary of state . . . . . \$ 105,811
  - 16       (d) Treasurer . . . . . \$ 105,811
  - 17       (e) Auditor . . . . . \$ 105,811
  - 18       (f) Attorney general . . . . . \$ 137,268
  - 19       (g) Superintendent of public instruction . . . . . \$ 107,978
  - 20       (h) Commissioner of public lands . . . . . \$ 107,978
  - 21       (i) Insurance commissioner . . . . . \$ 105,811
- 22       (2) Effective September 1, 2007:
  - 23       (a) Governor . . . . . \$ 163,618
  - 24       (b) Lieutenant governor . . . . . \$ 92,106
  - 25       (c) Secretary of state . . . . . \$ 114,657
  - 26       (d) Treasurer . . . . . \$ 114,657
  - 27       (e) Auditor . . . . . \$ 114,657
  - 28       (f) Attorney general . . . . . \$ 148,744
  - 29       (g) Superintendent of public instruction . . . . . \$ 119,234
  - 30       (h) Commissioner of public lands . . . . . \$ 119,234
  - 31       (i) Insurance commissioner . . . . . \$ 114,657
- 32       (3) Effective September 1, 2008:
  - 33       (a) Governor . . . . . \$ 166,891
  - 34       (b) Lieutenant governor . . . . . \$ 93,948
  - 35       (c) Secretary of state . . . . . \$ 116,950
  - 36       (d) Treasurer . . . . . \$ 116,950
  - 37       (e) Auditor . . . . . \$ 116,950

- 1 (f) Attorney general . . . . . \$ 151,718
- 2 (g) Superintendent of public instruction . . . . . \$ 121,618
- 3 (h) Commissioner of public lands . . . . . \$ 121,618
- 4 (i) Insurance commissioner . . . . . \$ 116,950
- 5 (4) The lieutenant governor shall receive the fixed amount of his
- 6 or her salary plus 1/260th of the difference between his or her salary
- 7 and that of the governor for each day that the lieutenant governor is
- 8 called upon to perform the duties of the governor by reason of the
- 9 absence from the state, removal, resignation, death, or disability of
- 10 the governor.

11 **Sec. 5005.** RCW 43.03.015 and 1967 ex.s. c 100 s 2 are each amended  
12 to read as follows:

13 Any person appointed to fill a vacancy that may occur in either the  
14 senate or house of representatives of the state legislature, prior to  
15 his or her qualification at the next succeeding regular or special  
16 session of the legislature shall be entitled to the same emoluments of  
17 office as the duly elected member whom he or she succeeded.

18 **Sec. 5006.** RCW 43.03.020 and 1965 c 8 s 43.03.020 are each amended  
19 to read as follows:

20 Whenever by reason of the absence from the state or the disability  
21 of the governor, the lieutenant governor is called upon temporarily to  
22 perform the duties of the office of governor, he or she shall be paid  
23 upon his or her personal voucher therefor the sum of ten dollars per  
24 day for expenses.

25 **Sec. 5007.** RCW 43.03.030 and 2009 c 5 s 4 are each amended to read  
26 as follows:

27 (1) Wherever the compensation of any appointive state officer or  
28 employee is fixed by statute, it may be hereafter increased or  
29 decreased in the manner provided by law for the fixing of compensation  
30 of other appointive state officers or employees; but this subsection  
31 shall not apply to the heads of state departments.

32 (2) Wherever the compensation of any state officer appointed by the  
33 governor, or of any employee in any office or department under the  
34 control of any such officer, is fixed by statute, such compensation may

1 hereafter, from time to time, be changed by the governor, and he or she  
2 shall have power to fix such compensation at any amount not to exceed  
3 the amount fixed by statute.

4 (3) For the twelve months following February 18, 2009, a salary or  
5 wage increase shall not be granted to any position under this section.

6 **Sec. 5008.** RCW 43.03.110 and 1967 ex.s. c 16 s 1 are each amended  
7 to read as follows:

8 Whenever it is reasonably necessary to the successful performance  
9 of the required duty of a state office, commission, department or  
10 institution to transfer a deputy or other employee from one station to  
11 another within the state, thereby necessitating a change of such  
12 deputy's or employee's domicile, it shall be lawful for such office,  
13 commission, department or institution to move such deputy's or  
14 employee's household goods and effects to the new station at the  
15 expense of the state, or to defray the actual cost of such removal by  
16 common carrier, or otherwise, at the expense of the state, in which  
17 latter event reimbursement to the deputy or employee shall be upon  
18 voucher submitted by him or her and approved by the department head.

19 **Sec. 5009.** RCW 43.03.120 and 1979 c 151 s 86 are each amended to  
20 read as follows:

21 Any state office, commission, department or institution may also  
22 pay the moving expenses of a new employee, necessitated by his or her  
23 acceptance of state employment, pursuant to mutual agreement with such  
24 employee in advance of his or her employment: PROVIDED, That if such  
25 employee is in the classified service as defined in chapter 41.06 RCW,  
26 that said employee has been duly certified from an eligible register.  
27 No such offer or agreement for such payment shall be made to a  
28 prospective member of the classified service, prior to such  
29 certification, except through appropriate public announcement by the  
30 department of personnel, or other corresponding personnel agency as  
31 provided by chapter 41.06 RCW. Payment for all expenses authorized by  
32 RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of  
33 new employees, exempt or classified, and others, shall be subject to  
34 reasonable regulations promulgated by the director of financial  
35 management, including regulations defining allowable moving costs:  
36 PROVIDED, That, if the new employee terminates or causes termination of

1 his or her employment with the state within one year of the date of  
2 employment, the state shall be entitled to reimbursement for the moving  
3 costs which have been paid and may withhold such sum as necessary  
4 therefor from any amounts due the employee.

5 **Sec. 5010.** RCW 43.03.170 and 1979 ex.s. c 71 s 1 are each amended  
6 to read as follows:

7 The head of any state department may issue an advance warrant on  
8 the request of any officer or employee for the purpose of defraying his  
9 or her anticipated reimbursable expenses while traveling on business of  
10 such state department away from his or her designated post of duty,  
11 except expenses in connection with the use of a personal automobile.  
12 The amount of such advance shall not exceed the amount of such  
13 reasonably anticipated expenses of the officer or employee to be  
14 necessarily incurred in the course of such business of the state for a  
15 period of not to exceed ninety days. Department heads shall establish  
16 written policies prescribing a reasonable amount for which such  
17 warrants may be written.

18 **Sec. 5011.** RCW 43.03.180 and 1967 ex.s. c 16 s 9 are each amended  
19 to read as follows:

20 On or before the tenth day following each month in which such  
21 advance was furnished to the officer or employee, he or she shall  
22 submit to the head of his or her department a fully itemized travel  
23 expense voucher fully justifying the expenditure of such advance or  
24 whatever part thereof has been expended, for legally reimbursable items  
25 on behalf of the state. Any unexpended portion of such advance shall  
26 be returned to the agency at the close of the authorized travel period.  
27 Payment shall accompany such itemized voucher at the close of the  
28 travel period; and may be made by check or similar instrument payable  
29 to the department. Any default in accounting for or repaying an  
30 advance shall render the full amount which is unpaid immediately due  
31 and payable with interest at the rate of ten percent per annum from the  
32 date of default until paid.

33 **Sec. 5012.** RCW 43.03.200 and 1967 ex.s. c 16 s 11 are each amended  
34 to read as follows:

35 An advance made under RCW 43.03.150 through 43.03.210 shall be

1 considered as having been made to such officer or employee to be  
2 expended by him or her as an agent of the state for state purposes  
3 only, and specifically to defray necessary costs while performing his  
4 or her official duties. No such advance shall be considered for any  
5 purpose as a loan to such officer or employee, and any unauthorized  
6 expenditure of such funds shall be considered a misappropriation of  
7 state funds by a custodian of such funds.

8 **Sec. 5013.** RCW 43.06.020 and 1965 c 8 s 43.06.020 are each amended  
9 to read as follows:

10 The governor must cause to be kept the following records:

11 First, a register of all pardons, commutations, executive paroles,  
12 final discharges, and restorations of citizenship made by him or her;

13 Second, an account of all his or her disbursements of state moneys,  
14 and of all rewards offered by him or her for the apprehension of  
15 criminals and persons charged with crime;

16 Third, a register of all appointments made by him or her with date  
17 of commission, name of appointee and name of predecessor, if any.

18 **Sec. 5014.** RCW 43.06.040 and 1965 c 8 s 43.06.040 are each amended  
19 to read as follows:

20 If the governor absents himself or herself from the state, he or  
21 she shall, prior to his or her departure, notify the lieutenant  
22 governor of his or her proposed absence, and during such absence the  
23 lieutenant governor shall perform all the duties of the governor.

24 **Sec. 5015.** RCW 43.06.050 and 1965 c 8 s 43.06.050 are each amended  
25 to read as follows:

26 Every provision of law in relation to the powers and duties of the  
27 governor, and in relation to acts and duties to be performed by others  
28 towards him or her, extends to the person performing for the time being  
29 the duties of governor.

30 **Sec. 5016.** RCW 43.06.055 and 1969 ex.s. c 88 s 1 are each amended  
31 to read as follows:

32 The legislature preceding the gubernatorial election shall make an  
33 appropriation which may only be expended by a newly elected governor  
34 other than the incumbent for the purpose of providing office and staff

1 for the governor-elect preparatory to his or her assumption of duties  
2 as governor. The funds for the appropriation shall be made available  
3 to him or her not later than thirty days prior to the date when the  
4 legislature will convene.

5 **Sec. 5017.** RCW 43.06.070 and 1965 c 8 s 43.06.070 are each amended  
6 to read as follows:

7 The governor may remove from office any state officer appointed by  
8 him or her not liable to impeachment, for incompetency, misconduct, or  
9 malfeasance in office.

10 **Sec. 5018.** RCW 43.06.080 and 1965 c 8 s 43.06.080 are each amended  
11 to read as follows:

12 Whenever the governor is satisfied that any officer not liable to  
13 impeachment has been guilty of misconduct, or malfeasance in office, or  
14 is incompetent, he or she shall file with the secretary of state a  
15 statement showing his or her reasons, with his or her order of removal,  
16 and the secretary of state shall forthwith send a certified copy of  
17 such order of removal and statement of causes by registered mail to the  
18 last known post office address of the officer in question.

19 **Sec. 5019.** RCW 43.06.090 and 1965 c 8 s 43.06.090 are each amended  
20 to read as follows:

21 At the time of making any removal from office, the governor shall  
22 appoint some proper person to fill the office, who shall forthwith  
23 demand and receive from the officer removed the papers, records, and  
24 property of the state pertaining to the office, and shall perform the  
25 duties of the office and receive the compensation thereof until his or  
26 her successor is appointed.

27 **Sec. 5020.** RCW 43.06.110 and 1971 ex.s. c 177 s 2 are each amended  
28 to read as follows:

29 The governor, or his or her designee, is hereby authorized and  
30 empowered to undertake such programs as will, in the judgment of the  
31 governor, or his or her designee, enable families and individuals of  
32 all ages, in rural and urban areas, in need of the skills, knowledge,  
33 motivations, and opportunities to become economically self-sufficient  
34 to obtain and secure such skills, knowledge, motivations, and

1 opportunities. Such programs may be engaged in as solely state  
2 operations, or in conjunction or cooperation with any appropriate  
3 agency of the federal government, any branch or agency of the  
4 government of this state, any city or town, county, municipal  
5 corporation, metropolitan municipal corporation or other political  
6 subdivision of the state, or any private corporation. Where compliance  
7 with the provisions of federal law or rules or regulations promulgated  
8 thereunder is a necessary condition to the receipt of federal funds by  
9 the state, the governor or his or her designee, is hereby authorized to  
10 comply with such laws, rules or regulations to the extent necessary for  
11 the state to cooperate most fully with the federal government in  
12 furtherance of the programs herein authorized.

13 **Sec. 5021.** RCW 43.06.120 and 1967 ex.s. c 41 s 1 are each amended  
14 to read as follows:

15 The governor is authorized to accept on behalf of the state of  
16 Washington funds provided by any act of congress for the benefit of the  
17 state or its political subdivisions. He or she is further authorized  
18 to administer and disburse such funds, or to designate an agency to  
19 administer and disburse them, until the legislature otherwise directs.

20 **Sec. 5022.** RCW 43.06.200 and 1977 ex.s. c 328 s 11 are each  
21 amended to read as follows:

22 Unless a different meaning is plainly required by the context, the  
23 following words and phrases as hereinafter used in RCW 43.06.010, and  
24 43.06.200 through 43.06.270 each as now or hereafter amended shall have  
25 the following meaning:

26 "State of emergency" means an emergency proclaimed as such by the  
27 governor pursuant to RCW 43.06.010 as now or hereafter amended.

28 "Governor" means the governor of this state or, in case of his or  
29 her removal, death, resignation or inability to discharge the powers  
30 and duties of his or her office, then the person who may exercise the  
31 powers of governor pursuant to the Constitution and laws of this state  
32 relating to succession in office.

33 "Criminal offense" means any prohibited act for which any criminal  
34 penalty is imposed by law and includes any misdemeanor, gross  
35 misdemeanor, or felony.

1       **Sec. 5023.** RCW 43.06.270 and 1969 ex.s. c 186 s 9 are each amended  
2 to read as follows:

3       The governor may in his or her discretion order the state militia  
4 pursuant to chapter 38.08 RCW or the state patrol to assist local  
5 officials to restore order in the area described in the proclamation of  
6 a state of emergency.

7       **Sec. 5024.** RCW 43.07.010 and 1965 c 8 s 43.07.010 are each amended  
8 to read as follows:

9       The secretary of state must execute an official bond to the state  
10 in the sum of ten thousand dollars, conditioned for the faithful  
11 performance of the duties of his or her office, and shall receive no  
12 pay until such bond, approved by the governor, is filed with the state  
13 auditor.

14       **Sec. 5025.** RCW 43.07.020 and 1965 c 8 s 43.07.020 are each amended  
15 to read as follows:

16       The secretary of state may have one assistant secretary of state  
17 and one deputy secretary of state each of whom shall be appointed by  
18 him or her in writing, and continue during his or her pleasure. The  
19 assistant secretary of state and deputy secretary of state shall have  
20 the power to perform any act or duty relating to the secretary of  
21 state's office, that the secretary of state has, and the secretary of  
22 state shall be responsible for the acts of said assistant and deputy.

23       **Sec. 5026.** RCW 43.07.030 and 1982 c 35 s 186 are each amended to  
24 read as follows:

25       The secretary of state shall:

26       (1) Keep a register of and attest the official acts of the  
27 governor;

28       (2) Affix the state seal, with his or her attestation, to  
29 commissions, pardons, and other public instruments to which the  
30 signature of the governor is required, and also attestations and  
31 authentications of certificates and other documents properly issued by  
32 the secretary;

33       (3) Record all articles of incorporation, deeds, or other papers  
34 filed in the secretary of state's office;

1 (4) Receive and file all the official bonds of officers required to  
2 be filed with the secretary of state;

3 (5) Take and file in the secretary of state's office receipts for  
4 all books distributed by him or her;

5 (6) Certify to the legislature the election returns for all  
6 officers required by the Constitution to be so certified, and certify  
7 to the governor the names of all other persons who have received at any  
8 election the highest number of votes for any office the incumbent of  
9 which is to be commissioned by the governor;

10 (7) Furnish, on demand, to any person paying the fees therefor, a  
11 certified copy of all or any part of any law, record, or other  
12 instrument filed, deposited, or recorded in the secretary of state's  
13 office;

14 (8) Present to the speaker of the house of representatives, at the  
15 beginning of each regular session of the legislature during an odd-  
16 numbered year, a full account of all purchases made and expenses  
17 incurred by the secretary of state on account of the state;

18 (9) File in his or her office an impression of each and every seal  
19 in use by any state officer;

20 (~~{(10)}~~) (10) Keep a record of all fees charged or received by  
21 the secretary of state.

22 **Sec. 5027.** RCW 43.07.040 and 1965 c 8 s 43.07.040 are each amended  
23 to read as follows:

24 The secretary of state is charged with the custody:

25 (1) Of all acts and resolutions passed by the legislature;

26 (2) Of the journals of the legislature;

27 (3) Of the seal of the state;

28 (4) Of all books, records, deeds, parchments, maps, and papers  
29 required to be kept on deposit in his or her office pursuant to law;

30 (5) Of the enrolled copy of the Constitution.

31 **Sec. 5028.** RCW 43.07.050 and 1965 c 8 s 43.07.050 are each amended  
32 to read as follows:

33 The secretary of state shall be ex officio commissioner of  
34 statistics. He or she shall establish within his or her office, and  
35 under his or her immediate supervision, a bureau to be known as the  
36 bureau of statistics, agriculture and immigration.

1       **Sec. 5029.** RCW 43.07.090 and 1965 c 8 s 43.07.090 are each amended  
2 to read as follows:

3       The commissioner shall have the power to send for persons and  
4 papers whenever in his or her opinion it is necessary, and he or she  
5 may examine witnesses under oath, being hereby qualified to administer  
6 the same in the performance of his or her duty, and the testimony so  
7 taken must be filed and preserved in his or her office. He or she  
8 shall have free access to all places and works of labor, and any  
9 principal, owner, operator, manager, or lessee of any mine, factory,  
10 workshop, warehouse, manufacturing or mercantile establishment, or any  
11 agent or employee of any such principal, owner, operator, manager, or  
12 lessee, who shall refuse to the commissioner or his or her duly  
13 authorized representative admission therein, or who shall, when  
14 requested by him or her, wilfully neglect or refuse to furnish him or  
15 her any statistics or information pertaining to his or her lawful  
16 duties which may be in the possession or under the control of said  
17 principal, owner, operator, lessee, manager, or agent thereof, shall be  
18 punished by a fine of not less than fifty nor more than two hundred  
19 dollars.

20       **Sec. 5030.** RCW 43.07.110 and 1965 c 8 s 43.07.110 are each amended  
21 to read as follows:

22       The commissioner shall appoint a deputy commissioner, who shall act  
23 in his or her absence, and the deputy shall receive the sum of twelve  
24 hundred dollars per annum to be paid by the state treasurer in the same  
25 manner as other state officers are paid; the sum allowed for deputy and  
26 other incidental expenses of the bureau shall not exceed the sum of  
27 three thousand dollars any one year. The commissioner shall have  
28 authority to employ one person to act as immigration agent, which agent  
29 shall reside in such city as said commissioner may designate, and he or  
30 she shall be provided with such literature and incidental accessories  
31 as in his or her judgment may be necessary.

32       **Sec. 5031.** RCW 43.08.010 and 1977 c 75 s 38 are each amended to  
33 read as follows:

34       The state treasurer shall:

35       (1) Receive and keep all moneys of the state in the manner provided  
36 in RCW 43.88.160, as now or hereafter amended;

1 (2) Disburse the public moneys only upon warrants or checks drawn  
2 upon the treasurer in the manner provided by law;

3 (3) Account for moneys in the manner provided by law;

4 (4) Render accounts in the manner provided by law;

5 (5) Indorse on each warrant when required by law, the date of  
6 payment, the amount of the principal, and the interest due on that  
7 date;

8 (6) Report annually to the legislature a detailed statement of the  
9 condition of the treasury, and of its operations for the preceding  
10 fiscal year;

11 (7) Give information, in writing, to either house of the  
12 legislature, whenever required, upon any subject connected with the  
13 treasury, or touching any duty of his or her office;

14 (8) Account for and pay over all moneys on hand to his or her  
15 successor in office, and deliver all books, vouchers, and effects of  
16 office to him or her, who shall receipt therefor;

17 (9) Upon payment of any warrant, or check, take upon the back  
18 thereof the indorsement of the person to whom it is paid.

19 **Sec. 5032.** RCW 43.08.020 and 1972 ex.s. c 12 s 1 are each amended  
20 to read as follows:

21 The state treasurer shall reside and keep his or her office at the  
22 seat of government. Before entering upon his or her duties, he or she  
23 shall execute and deliver to the secretary of state a bond to the state  
24 in a sum of not less than five hundred thousand dollars, to be approved  
25 by the secretary of state and one of the justices of the supreme court,  
26 conditioned to pay all moneys at such times as required by law, and for  
27 the faithful performance of all duties required of him or her by law.  
28 He or she shall take an oath of office, to be indorsed on his or her  
29 commission, and file a copy thereof, together with the bond, in the  
30 office of the secretary of state.

31 **Sec. 5033.** RCW 43.08.030 and 1965 c 8 s 43.08.030 are each amended  
32 to read as follows:

33 The treasurer shall keep a seal of office for the authentication of  
34 all papers, writings, and documents required to be certified by him or  
35 her.

1       **Sec. 5034.** RCW 43.08.040 and 1965 c 8 s 43.08.040 are each amended  
2 to read as follows:

3       The treasurer may administer all oaths required by law in matters  
4 pertaining to the duties of his or her office.

5       **Sec. 5035.** RCW 43.08.050 and 1965 c 8 s 43.08.050 are each amended  
6 to read as follows:

7       All the books, papers, letters, and transactions pertaining to the  
8 office of treasurer shall be open for the inspection of a committee of  
9 the legislature to examine or settle all accounts, and to count all  
10 money; and to the inspection of the public generally during office  
11 hours; and when the successor of any treasurer is elected and  
12 qualified, the state auditor shall examine and settle all the accounts  
13 of the treasurer remaining unsettled, and give him or her a certified  
14 statement showing the balance of moneys, securities, and effects for  
15 which he or she is accountable, which have been delivered to his or her  
16 successor, and report the same to the legislature.

17       **Sec. 5036.** RCW 43.08.062 and 1986 c 99 s 1 are each amended to  
18 read as follows:

19       Should the payee or legal holder of any warrant drawn against the  
20 state treasury fail to present the warrant for payment within one  
21 hundred eighty days of the date of its issue or, if registered and  
22 drawing interest, within one hundred eighty days of its call, the state  
23 treasurer shall enter the same as canceled on the books of his or her  
24 office.

25       Should the payee or legal owner of such a canceled warrant  
26 thereafter present it for payment, the state treasurer may, upon proper  
27 showing by affidavit and the delivery of the warrant into his or her  
28 possession, issue a new warrant in lieu thereof, and the state  
29 treasurer is authorized to pay the new warrant.

30       **Sec. 5037.** RCW 43.08.066 and 1979 ex.s. c 71 s 4 are each amended  
31 to read as follows:

32       Before a duplicate instrument is issued, the state treasurer or  
33 other issuing officer shall require the person making application for  
34 its issue to file in his or her office a written affidavit specifically  
35 alleging on oath that he or she is the proper owner, payee, or legal

1 representative of such owner or payee of the original instrument,  
2 giving the date of issue, the number, amount, and for what services or  
3 claim or purpose the original instrument or series of instruments of  
4 which it is a part was issued, and that the same has been lost or  
5 destroyed, and has not been paid, or has not been received by him or  
6 her: PROVIDED, That in the event that an original and its duplicate  
7 instrument are both presented for payment as a result of forgery or  
8 fraud, the issuing officer shall be the state agency responsible for  
9 endeavoring to recover any losses suffered by the state.

10 **Sec. 5038.** RCW 43.08.068 and 1965 ex.s. c 61 s 3 are each amended  
11 to read as follows:

12 The state treasurer or other issuing officer shall keep a full and  
13 complete record of all warrants, bonds or other instruments alleged to  
14 have been lost or destroyed, which were issued by such agency, and of  
15 the issue of any duplicate therefor; and upon the issuance of any  
16 duplicate, the officer shall enter upon his or\_\_her books the  
17 cancellation of the original instrument and immediately notify the  
18 state treasurer, the state auditor, and all trustees and paying agents  
19 authorized to redeem such instruments on behalf of the state of  
20 Washington, of such cancellation. The treasurer shall keep a similar  
21 list of all warrants, bonds or other instruments so canceled.

22 **Sec. 5039.** RCW 43.08.070 and 1981 c 10 s 3 are each amended to  
23 read as follows:

24 Upon the presentation of any state warrant to the state treasurer,  
25 if there is not sufficient money then available in the appropriate fund  
26 with which to redeem all warrants drawn against such fund which the  
27 treasurer anticipates will be presented for payment during the current  
28 business day, he or\_she may endorse on the warrant, "Not paid for want  
29 of funds," with the day and date of presentation, and the warrant shall  
30 draw legal interest from and including that date until five days from  
31 and after being called for payment in accordance with RCW 43.08.080, or  
32 until paid, whichever occurs first; or, in the alternative, the  
33 treasurer may prepare and register a single new warrant, drawn against  
34 the appropriate fund, and exchange such new warrant for one or more  
35 warrants not paid for want of funds when presented for payment totaling  
36 a like amount but not exceeding one million dollars, which new warrant

1 shall then draw legal interest from and including its date of issuance  
2 until five days from and after being called for payment in accordance  
3 with RCW 43.08.080, or until paid, whichever occurs first. The legal  
4 rate or rates of interest on these warrants shall be established by the  
5 state treasurer in accordance with RCW 39.56.030.

6 **Sec. 5040.** RCW 43.08.080 and 1971 ex.s. c 88 s 3 are each amended  
7 to read as follows:

8 When the state treasurer deems that there is sufficient money in a  
9 fund to pay all or part of the registered warrants of such fund, and  
10 the warrants are not presented for payment, he or she may advertise at  
11 least once in some newspaper published at the seat of government,  
12 stating the serial number of the warrants he or she is calling and  
13 prepared to pay; and if such warrants are not presented for payment  
14 within five days from and after the date of publication of the notice,  
15 the warrants shall not then draw any further interest: PROVIDED, That  
16 when said fund has a balance in excess of three percent of the  
17 preceding monthly warrant issue of said fund, or at any time that the  
18 money in the fund exceeds the warrants outstanding, the state treasurer  
19 shall similarly advertise a call for all those registered warrants  
20 which can be fully paid out of said fund in accordance with their  
21 registration sequence.

22 **Sec. 5041.** RCW 43.08.100 and 1965 c 8 s 43.08.100 are each amended  
23 to read as follows:

24 The fiscal agent of the state shall receive all moneys due the  
25 state from any other state or from the federal government, take all  
26 necessary steps for the collection thereof, and apply the same to the  
27 funds to which they belong. He or she shall collect from time to time  
28 all moneys that may accrue to the state by virtue of section 13 of the  
29 enabling act, or from any other source not otherwise provided for by  
30 law.

31 **Sec. 5042.** RCW 43.08.120 and 1973 c 10 s 1 are each amended to  
32 read as follows:

33 The state treasurer may appoint an assistant state treasurer, who  
34 shall have the power to perform any act or duty which may be performed

1 by the state treasurer, and in case of a vacancy in the office of state  
2 treasurer, perform the duties of the office until the vacancy is filled  
3 as provided by law.

4 The state treasurer may appoint no more than three deputy state  
5 treasurers, who shall have the power to perform any act or duty which  
6 may be performed by the state treasurer.

7 The assistant state treasurer and the deputy state treasurers shall  
8 be exempt from the provisions of chapter 41.06 RCW and shall hold  
9 office at the pleasure of the state treasurer; they shall, before  
10 entering upon the duties of their office, take and subscribe, and file  
11 with the secretary of state, the oath of office provided by law for  
12 other state officers.

13 The state treasurer shall be responsible on his or her official  
14 bond for all official acts of the assistant state treasurer and the  
15 deputy state treasurers.

16 **Sec. 5043.** RCW 43.08.130 and 1972 ex.s. c 145 s 2 are each amended  
17 to read as follows:

18 If the state treasurer wilfully refuses to pay except in accordance  
19 with the provisions of RCW 43.08.070 or by cash or check any warrant  
20 designated as payable in the state treasurer's office which is lawfully  
21 drawn upon the state treasury, or knowingly pays any warrant otherwise  
22 than as provided by law, then any person injured thereby may recover by  
23 action against the treasurer and the sureties on his or her official  
24 bond.

25 **Sec. 5044.** RCW 43.08.135 and 1983 c 3 s 100 are each amended to  
26 read as follows:

27 The state treasurer shall maintain at all times cash, or demand  
28 deposits in qualified public depositories in an amount needed to meet  
29 the operational needs of state government: PROVIDED, That the state  
30 treasurer shall not be considered in violation of RCW 9A.56.060(1) if  
31 he or she maintains demand accounts in public depositories in an amount  
32 less than all treasury warrants issued and outstanding.

33 **Sec. 5045.** RCW 43.08.150 and 1977 c 75 s 39 are each amended to  
34 read as follows:

1 As soon as possible after the close of each calendar month, the  
2 state treasurer shall prepare a report as to the state of the general  
3 fund and every other fund under his or her control itemized as to:

4 (1) The amount in the fund at the close of business at the end of  
5 the preceding month;

6 (2) The amount of revenue deposited or transferred to the credit of  
7 each fund during the current month;

8 (3) The amount of withdrawals or transfers from each fund during  
9 the current month; and

10 (4) The amount on hand in each fund at the close of business at the  
11 end of the current month.

12 One copy of each report shall be provided promptly to those  
13 requesting them so long as the supply lasts.

14 **Sec. 5046.** RCW 43.10.010 and 1973 c 43 s 1 are each amended to  
15 read as follows:

16 No person shall be eligible to be attorney general unless he or she  
17 is a qualified practitioner of the supreme court of this state.

18 Before entering upon the duties of his or her office, any person  
19 elected or appointed attorney general shall take, subscribe, and file  
20 the oath of office as required by law; take, subscribe, and file with  
21 the secretary of state an oath to comply with the provisions of RCW  
22 43.10.115; and execute and file with the secretary of state, a bond to  
23 the state, in the sum of five thousand dollars, with sureties to be  
24 approved by the governor, conditioned for the faithful performance of  
25 his or her duties and the paying over of all moneys, as provided by  
26 law.

27 **Sec. 5047.** RCW 43.10.020 and 1965 c 8 s 43.10.020 are each amended  
28 to read as follows:

29 If the governor deems any bond filed by the attorney general  
30 insufficient, he or she may require an additional bond for any amount  
31 not exceeding five thousand dollars.

32 If any attorney general fails to give such additional bond as  
33 required by the governor within twenty days after notice in writing of  
34 such requirement, his or her office may be declared vacant by the  
35 governor and filled as provided by law.

1       **Sec. 5048.** RCW 43.10.030 and 1975 c 40 s 5 are each amended to  
2 read as follows:

3       The attorney general shall:

4       (1) Appear for and represent the state before the supreme court or  
5 the court of appeals in all cases in which the state is interested;

6       (2) Institute and prosecute all actions and proceedings for, or for  
7 the use of the state, which may be necessary in the execution of the  
8 duties of any state officer;

9       (3) Defend all actions and proceedings against any state officer or  
10 employee acting in his or her official capacity, in any of the courts  
11 of this state or the United States;

12       (4) Consult with and advise the several prosecuting attorneys in  
13 matters relating to the duties of their office, and when the interests  
14 of the state require, he or she shall attend the trial of any person  
15 accused of a crime, and assist in the prosecution;

16       (5) Consult with and advise the governor, members of the  
17 legislature, and other state officers, and when requested, give written  
18 opinions upon all constitutional or legal questions relating to the  
19 duties of such officers;

20       (6) Prepare proper drafts of contracts and other instruments  
21 relating to subjects in which the state is interested;

22       (7) Give written opinions, when requested by either branch of the  
23 legislature, or any committee thereof, upon constitutional or legal  
24 questions;

25       (8) Enforce the proper application of funds appropriated for the  
26 public institutions of the state, and prosecute corporations for  
27 failure or refusal to make the reports required by law;

28       (9) Keep in proper books a record of all cases prosecuted or  
29 defended by him or her, on behalf of the state or its officers, and of  
30 all proceedings had in relation thereto, and deliver the same to his or  
31 her successor in office;

32       (10) Keep books in which he or she shall record all the official  
33 opinions given by him or her during his or her term of office, and  
34 deliver the same to his or her successor in office;

35       (11) Pay into the state treasury all moneys received by him or her  
36 for the use of the state.

1       **Sec. 5049.** RCW 43.10.060 and 1965 c 8 s 43.10.060 are each amended  
2 to read as follows:

3       The attorney general may appoint necessary assistants, who shall  
4 hold office at his or her pleasure, and who shall have the power to  
5 perform any act which the attorney general is authorized by law to  
6 perform.

7       **Sec. 5050.** RCW 43.10.080 and 1965 c 8 s 43.10.080 are each amended  
8 to read as follows:

9       The attorney general may employ such skilled experts, scientists,  
10 technicians, or other specially qualified persons as he or she deems  
11 necessary to aid him or her in the preparation or trial of actions or  
12 proceedings.

13       **Sec. 5051.** RCW 43.10.090 and 1965 c 8 s 43.10.090 are each amended  
14 to read as follows:

15       Upon the written request of the governor, the attorney general  
16 shall investigate violations of the criminal laws within this state.

17       If, after such investigation, the attorney general believes that  
18 the criminal laws are improperly enforced in any county, and that the  
19 prosecuting attorney of the county has failed or neglected to institute  
20 and prosecute violations of such criminal laws, either generally or  
21 with regard to a specific offense or class of offenses, the attorney  
22 general shall direct the prosecuting attorney to take such action in  
23 connection with any prosecution as the attorney general determines to  
24 be necessary and proper.

25       If any prosecuting attorney, after the receipt of such instructions  
26 from the attorney general, fails or neglects to comply therewith within  
27 a reasonable time, the attorney general may initiate and prosecute such  
28 criminal actions as he or she shall determine. In connection  
29 therewith, the attorney general shall have the same powers as would  
30 otherwise be vested in the prosecuting attorney.

31       From the time the attorney general has initiated or taken over a  
32 criminal prosecution, the prosecuting attorney shall not have power or  
33 authority to take any legal steps relating to such prosecution, except  
34 as authorized or directed by the attorney general.

1       **Sec. 5052.** RCW 43.10.110 and 1965 c 8 s 43.10.110 are each amended  
2 to read as follows:

3       The attorney general shall have the power and it shall be his or  
4 her duty to perform any other duties that are, or may from time to time  
5 be required of him or her by law.

6       **Sec. 5053.** RCW 43.10.115 and 1973 c 43 s 2 are each amended to  
7 read as follows:

8       The attorney general shall not practice law for remuneration in his  
9 or her private capacity:

10       (1) As an attorney in any court of this state during his or her  
11 continuance in office; or

12       (2) As adviser or advocate for any person who may wish to become  
13 his or her client.

14       **Sec. 5054.** RCW 43.10.120 and 1973 c 43 s 3 are each amended to  
15 read as follows:

16       No full time deputy or assistant attorney general shall practice  
17 law for remuneration in his or her private capacity:

18       (1) As an attorney in any court of this state during his or her  
19 continuance in office; or

20       (2) As adviser or advocate for any person who may wish to become  
21 his or her client.

22       **Sec. 5055.** RCW 43.10.130 and 1973 c 43 s 5 are each amended to  
23 read as follows:

24       None of the provisions of RCW 43.10.010 and 43.10.115 through  
25 43.10.125 shall be construed as prohibiting the attorney general or any  
26 of his or her full time deputies or assistants from:

27       (1) Performing legal services for himself or herself or his or her  
28 immediate family; or

29       (2) Performing legal services of a charitable nature.

30       **Sec. 5056.** RCW 43.10.160 and 1979 c 151 s 94 are each amended to  
31 read as follows:

32       The amounts to be disbursed from the legal services revolving fund  
33 from time to time shall be transferred thereto by the state treasurer  
34 from funds appropriated to any and all agencies for legal services or

1 administrative expenses on a quarterly basis. Agencies operating in  
2 whole or in part from nonappropriated funds shall pay into the legal  
3 services revolving fund such funds as will fully reimburse funds  
4 appropriated to the attorney general for any legal services provided  
5 activities financed by nonappropriated funds.

6 The director of financial management shall allot all such funds to  
7 the attorney general for the operation of his or her office, pursuant  
8 to appropriation, in the same manner as appropriated funds are  
9 allocated to other agencies headed by elected officers under chapter  
10 43.88 RCW.

11 **Sec. 5057.** RCW 43.10.170 and 1971 ex.s. c 71 s 3 are each amended  
12 to read as follows:

13 Disbursements from the legal services revolving fund shall be  
14 pursuant to vouchers executed by the attorney general or his or her  
15 designee in accordance with the provisions of RCW 43.88.160.

16 **Sec. 5058.** RCW 43.17.030 and 1965 c 8 s 43.17.030 are each amended  
17 to read as follows:

18 The directors of the several departments shall exercise such powers  
19 and perform such executive and administrative duties as are provided by  
20 law.

21 Each appointive officer before entering upon the duties of his or  
22 her office shall take and subscribe the oath of office prescribed by  
23 law for elective state officers, and file the same in the office of the  
24 secretary of state.

25 **Sec. 5059.** RCW 43.17.040 and 1965 c 8 s 43.17.040 are each amended  
26 to read as follows:

27 The director of each department may, from time to time, designate  
28 and deputize one of the assistant directors of his or her department to  
29 act as the chief assistant director, who shall have charge and general  
30 supervision of the department in the absence or disability of the  
31 director, and who, in case a vacancy occurs in the office of director,  
32 shall continue in charge of the department until a director is  
33 appointed and qualified, or the governor appoints an acting director.

1       **Sec. 5060.** RCW 43.17.050 and 1965 c 8 s 43.17.050 are each amended  
2 to read as follows:

3       Each department shall maintain its principal office at the state  
4 capital. The director of each department may, with the approval of the  
5 governor, establish and maintain branch offices at other places than  
6 the state capital for the conduct of one or more of the functions of  
7 his or her department.

8       The governor, in his or her discretion, may require all  
9 administrative departments of the state and the appointive officers  
10 thereof, other than those created by this chapter, to maintain their  
11 principal offices at the state capital in rooms to be furnished by the  
12 director of general administration.

13       **Sec. 5061.** RCW 43.17.060 and 1965 c 8 s 43.17.060 are each amended  
14 to read as follows:

15       The director of each department may prescribe rules and  
16 regulations, not inconsistent with law, for the government of his or  
17 her department, the conduct of its subordinate officers and employees,  
18 the disposition and performance of its business, and the custody, use,  
19 and preservation of the records, papers, books, documents, and property  
20 pertaining thereto.

21       **Sec. 5062.** RCW 43.17.100 and 1977 ex.s. c 270 s 7 are each amended  
22 to read as follows:

23       Every appointive state officer and employee of the state shall give  
24 a surety bond, payable to the state in such sum as shall be deemed  
25 necessary by the director of the department of general administration,  
26 conditioned for the honesty of the officer or employee and for the  
27 accounting of all property of the state that shall come into his or her  
28 possession by virtue of his or her office or employment, which bond  
29 shall be approved as to form by the attorney general and shall be filed  
30 in the office of the secretary of state.

31       The director of general administration may purchase one or more  
32 blanket surety bonds for the coverage required in this section.

33       Any bond required by this section shall not be considered an  
34 official bond and shall not be subject to chapter 42.08 RCW.

1       **Sec. 5063.** RCW 43.19.180 and 1975-'76 2nd ex.s. c 21 s 1 are each  
2 amended to read as follows:

3       The director of general administration shall appoint and deputize  
4 an assistant director to be known as the state purchasing and material  
5 control director, who shall have charge and supervision of the division  
6 of purchasing. In this capacity he or she shall ensure that overall  
7 state purchasing and material control policy is implemented by state  
8 agencies, including educational institutions, within established time  
9 limits.

10       With the approval of the director of general administration, he or  
11 she may appoint and employ such assistants and personnel as may be  
12 necessary to carry on the work of the division.

13       **Sec. 5064.** RCW 43.19.1915 and 1965 c 8 s 43.19.1915 are each  
14 amended to read as follows:

15       When any bid has been accepted, the division of purchasing may  
16 require of the successful bidder a bond payable to the state in such  
17 amount with such surety or sureties as determined by the division of  
18 purchasing, conditioned that he or she will fully, faithfully and  
19 accurately execute the terms of the contract into which he or she has  
20 entered. The bond shall be filed in the office of the division of  
21 purchasing. Bidders who regularly do business with the state shall be  
22 permitted to file with the division of purchasing an annual bid bond in  
23 an amount established by the division and such annual bid bond shall be  
24 acceptable as surety in lieu of furnishing surety with individual bids.

25       **Sec. 5065.** RCW 43.19.1937 and 1995 c 269 s 1405 are each amended  
26 to read as follows:

27       No state employee whose duties performed for the state include:

28       (1) Advising on or drawing specifications for supplies, equipment,  
29 commodities, or services;

30       (2) Suggesting or determining vendors to be placed upon a bid list;

31       (3) Drawing requisitions for supplies, equipment, commodities, or  
32 services;

33       (4) Evaluating specifications or bids and suggesting or determining  
34 awards; or

35       (5) Accepting the receipt of supplies, equipment, and commodities  
36 or approving the performance of services or contracts;

1 shall accept or receive, directly or indirectly, a personal financial  
2 benefit, or accept any gift, token, membership, or service, as a result  
3 of a purchase entered into by the state, from any person, firm, or  
4 corporation engaged in the sale, lease, or rental of property,  
5 material, supplies, equipment, commodities, or services to the state of  
6 Washington.

7 Violation of this section shall be considered a malfeasance and may  
8 cause loss of position, and the violator shall be liable to the state  
9 upon his or her official bond for all damages sustained by the state.  
10 Contracts involved may be canceled at the option of the state.  
11 Penalties provided in this section are not exclusive, and shall not bar  
12 action under any other statute penalizing the same act or omission.

13 **Sec. 5066.** RCW 43.19.200 and 1986 c 158 s 10 are each amended to  
14 read as follows:

15 (1) The governing authorities of the state's educational  
16 institutions, the elective state officers, the supreme court, the court  
17 of appeals, the administrative and other departments of the state  
18 government, and all appointive officers of the state, shall prepare  
19 estimates of the supplies required for the proper conduct and  
20 maintenance of their respective institutions, offices, and departments,  
21 covering periods to be fixed by the director, and forward them to the  
22 director in accordance with his or her directions. No such  
23 authorities, officers, or departments, or any officer or employee  
24 thereof, may purchase any article for the use of their institutions,  
25 offices, or departments, except in case of emergency purchases as  
26 provided in subsection (2) of this section.

27 (2) The authorities, officers, and departments enumerated in  
28 subsection (1) of this section may make emergency purchases in response  
29 to unforeseen circumstances beyond the control of the agency which  
30 present a real, immediate, and extreme threat to the proper performance  
31 of essential functions or which may reasonably be expected to result in  
32 excessive loss or damage to property, bodily injury, or loss of life.  
33 When an emergency purchase is made, the agency head shall submit  
34 written notification of the purchase, within three days of the  
35 purchase, to the director of general administration. This notification  
36 shall contain a description of the purchase, description of the

1 emergency and the circumstances leading up to the emergency, and an  
2 explanation of why the circumstances required an emergency purchase.

3 (3) Purchases made for the state's educational institutions, the  
4 offices of the elective state officers, the supreme court, the court of  
5 appeals, the administrative and other departments of the state  
6 government, and the offices of all appointive officers of the state,  
7 shall be paid for out of the moneys appropriated for supplies,  
8 material, and service of the respective institutions, offices, and  
9 departments.

10 (4) The director of general administration shall submit, on an  
11 annual basis, the written notifications required by subsection (2) of  
12 this section to the director of financial management.

13 **Sec. 5067.** RCW 43.19.595 and 1975 1st ex.s. c 167 s 9 are each  
14 amended to read as follows:

15 All passenger motor vehicles, property, facilities, equipment,  
16 credits, funds, and all other assets and obligations of the automobile  
17 pool and pertaining to passenger motor vehicles currently operated by  
18 the department of highways and funded by that portion of the highway  
19 equipment fund known as "District No. 8 (Motor Pool)" shall be  
20 transferred to the department of general administration on July 1,  
21 1975. The director of general administration may accept such property  
22 prior thereto if he or she deems it expedient to accomplish an orderly  
23 transition.

24 **Sec. 5068.** RCW 43.19.600 and 1982 c 163 s 12 are each amended to  
25 read as follows:

26 (1) On or after July 1, 1975, any passenger motor vehicles  
27 currently owned or hereafter acquired by any state agency, except  
28 vehicles acquired from federal granted funds and over which the federal  
29 government retains jurisdiction and control, may be purchased by or  
30 transferred to the department of general administration with the  
31 consent of the state agency concerned. The director of general  
32 administration may accept vehicles subject to the provisions of RCW  
33 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1,  
34 1975, if he or she deems it expedient to accomplish an orderly  
35 transition.

1 (2) The department, in cooperation with the office of financial  
2 management, shall study and ascertain current and prospective needs of  
3 state agencies for passenger motor vehicles and shall recommend  
4 transfer to a state motor pool or other appropriate disposition of any  
5 vehicle found not to be required by a state agency.

6 (3) The department shall direct the transfer of passenger motor  
7 vehicles from a state agency to a state motor pool or other disposition  
8 as appropriate, based on a study under subsection (2) of this section,  
9 or after a public hearing held by the department, if a finding is made  
10 based on testimony and data therein submitted that the economy,  
11 efficiency, or effectiveness of state government would be improved by  
12 such a transfer or other disposition of passenger motor vehicles. Any  
13 dispute over the accuracy of testimony and data submitted as to the  
14 benefits in state governmental economy, efficiency, and effectiveness  
15 to be gained by such transfer shall be resolved by the governor or the  
16 governor's designee.

17 **Sec. 5069.** RCW 43.19.620 and 1989 c 57 s 7 are each amended to  
18 read as follows:

19 The director of general administration, through the supervisor of  
20 motor transport, shall adopt, promulgate, and enforce such regulations  
21 as may be deemed necessary to accomplish the purpose of RCW 43.19.560  
22 through 43.19.630, 43.41.130, and 43.41.140. Such regulations, in  
23 addition to other matters, shall provide authority for any agency  
24 director or his or her delegate to approve the use on official state  
25 business of personally owned or commercially owned rental passenger  
26 motor vehicles. Before such an authorization is made, it must first be  
27 reasonably determined that state owned passenger vehicles or other  
28 suitable transportation is not available at the time or location  
29 required or that the use of such other transportation would not be  
30 conducive to the economical, efficient, and effective conduct of  
31 business.

32 Such regulations shall be consistent with and shall carry out the  
33 objectives of the general policies and guidelines adopted by the office  
34 of financial management pursuant to RCW 43.41.130.

35 **Sec. 5070.** RCW 43.19.630 and 1989 c 57 s 8 are each amended to  
36 read as follows:

1 RCW 43.19.560 through 43.19.620, 43.41.130, and 43.41.140 shall not  
2 be construed to prohibit a state officer or employee from using his or  
3 her personal motor vehicle on state business and being reimbursed  
4 therefor, where permitted under state travel policies, rules, and  
5 regulations promulgated by the office of financial management, and  
6 where such use is in the interest of economic, efficient, and effective  
7 management and performance of official state business.

8 **Sec. 5071.** RCW 43.19.635 and 1975 1st ex.s. c 167 s 17 are each  
9 amended to read as follows:

10 (1) The governor, acting through the department of general  
11 administration and any other appropriate agency or agencies as he or  
12 she may direct, is empowered to utilize all reasonable means for  
13 detecting the unauthorized use of state owned motor vehicles, including  
14 the execution of agreements with the state patrol for compliance  
15 enforcement. Whenever such illegal use is discovered which involves a  
16 state employee, the employing agency shall proceed as provided by law  
17 to establish the amount, extent, and dollar value of any such use,  
18 including an opportunity for notice and hearing for the employee  
19 involved. When such illegal use is so established, the agency shall  
20 assess its full cost of any mileage illegally used and shall recover  
21 such amounts by deductions from salary or allowances due to be paid to  
22 the offending official or employee by other means. Recovery of costs  
23 by the state under this subsection shall not preclude disciplinary or  
24 other action by the appropriate appointing authority or employing  
25 agency under subsection (2) of this section.

26 (2) Any wilful and knowing violation of any provision of RCW  
27 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall subject the  
28 state official or employee committing such violation to disciplinary  
29 action by the appropriate appointing or employing agency. Such  
30 disciplinary action may include, but shall not be limited to,  
31 suspension without pay, or termination of employment in the case of  
32 repeated violations.

33 (3) Any casual or inadvertent violation of RCW 43.19.560 through  
34 43.19.620, 43.41.130 and 43.41.140 may subject the state official or  
35 employee committing such violation to disciplinary action by the  
36 appropriate appointing authority or employing agency. Such

1 disciplinary action may include, but need not be limited to, suspension  
2 without pay.

3 **Sec. 5072.** RCW 43.20.030 and 2006 c 238 s 1 are each amended to  
4 read as follows:

5 The state board of health shall be composed of ten members. These  
6 shall be the secretary or the secretary's designee and nine other  
7 persons to be appointed by the governor, including four persons  
8 experienced in matters of health and sanitation, one of whom is a  
9 health official from a federally recognized tribe; an elected city  
10 official who is a member of a local health board; an elected county  
11 official who is a member of a local health board; a local health  
12 officer; and two persons representing the consumers of health care.  
13 Before appointing the city official, the governor shall consider any  
14 recommendations submitted by the association of Washington cities.  
15 Before appointing the county official, the governor shall consider any  
16 recommendations submitted by the Washington state association of  
17 counties. Before appointing the local health officer, the governor  
18 shall consider any recommendations submitted by the Washington state  
19 association of local public health officials. Before appointing one of  
20 the two consumer representatives, the governor shall consider any  
21 recommendations submitted by the state council on aging. The  
22 ((~~chairman~~)) chair shall be selected by the governor from among the  
23 nine appointed members. The department of health shall provide  
24 necessary technical staff support to the board. The board may employ  
25 an executive director and a confidential secretary, each of whom shall  
26 be exempt from the provisions of the state civil service law, chapter  
27 41.06 RCW.

28 Members of the board shall be compensated in accordance with RCW  
29 43.03.240 and shall be reimbursed for their travel expenses in  
30 accordance with RCW 43.03.050 and 43.03.060.

31 **Sec. 5073.** RCW 43.20A.040 and 1970 ex.s. c 18 s 4 are each amended  
32 to read as follows:

33 The executive head and appointing authority of the department shall  
34 be the secretary of social and health services. He or she shall be  
35 appointed by the governor with the consent of the senate, and shall  
36 serve at the pleasure of the governor. He or she shall be paid a

1 salary to be fixed by the governor in accordance with the provisions of  
2 RCW 43.03.040. If a vacancy occurs in his or her position while the  
3 senate is not in session, the governor shall make a temporary  
4 appointment until the next meeting of the senate, when he or she shall  
5 present to that body his or her nomination for the office.

6 **Sec. 5074.** RCW 43.20A.110 and 1970 ex.s. c 18 s 9 are each amended  
7 to read as follows:

8 The secretary may delegate any power or duty vested in or  
9 transferred to him or her by law, or executive order, to his or her  
10 deputy secretary or to any other assistant or subordinate; but the  
11 secretary shall be responsible for the official acts of the officers  
12 and employees of the department.

13 **Sec. 5075.** RCW 43.20A.310 and 1979 c 141 s 65 are each amended to  
14 read as follows:

15 In addition to his or her other powers and duties, the secretary or  
16 his or her designee, shall have the following powers and duties:

17 (1) To prepare, adopt and certify the state plan for vocational  
18 rehabilitation;

19 (2) With respect to vocational rehabilitation, to adopt necessary  
20 rules and regulations and do such other acts not forbidden by law  
21 necessary to carry out the duties imposed by state law and the federal  
22 acts;

23 (3) To carry out the aims and purposes of the acts of congress  
24 pertaining to vocational rehabilitation.

25 **Sec. 5076.** RCW 43.20A.320 and 1970 ex.s. c 18 s 43 are each  
26 amended to read as follows:

27 The secretary or his or her designee shall consult with the  
28 coordinating council for occupational education in order to maintain  
29 close contact with developing programs of vocational education,  
30 particularly as such programs may affect programs undertaken in  
31 connection with vocational rehabilitation.

32 **Sec. 5077.** RCW 43.20A.415 and 1971 ex.s. c 309 s 4 are each  
33 amended to read as follows:

1           When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary  
2 elects to purchase a service or services, he or\_she shall retain  
3 continuing basic responsibility for:

4           (1) Determining the eligibility of individuals for services;

5           (2) The selection, quality, effectiveness, and execution of a plan  
6 or program of services suited to the need of an individual or of a  
7 group of individuals; and

8           (3) Measuring the cost effectiveness of purchase of services.

9           **Sec. 5078.** RCW 43.20A.605 and 1989 c 175 s 97 are each amended to  
10 read as follows:

11           (1) The secretary shall have full authority to administer oaths and  
12 take testimony thereunder, to issue subpoenas requiring the attendance  
13 of witnesses before him or\_her together with all books, memoranda,  
14 papers, and other documents, articles or instruments, and to compel the  
15 disclosure by such witnesses of all facts known to them relative to the  
16 matters under investigation.

17           (2) Subpoenas issued in adjudicative proceedings are governed by  
18 RCW 34.05.588(1).

19           (3) Subpoenas issued in the conduct of investigations required or  
20 authorized by other statutory provisions or necessary in the  
21 enforcement of other statutory provisions shall be governed by RCW  
22 34.05.588(2).

23           **Sec. 5079.** RCW 43.20A.635 and 1979 c 141 s 52 are each amended to  
24 read as follows:

25           It shall be the duty of the secretary of social and health services  
26 and he or\_she shall have the power to establish and administer a  
27 program of services for children who are crippled or who are suffering  
28 from physical conditions which lead to crippling, which shall provide  
29 for developing, extending, and improving services for locating such  
30 children, and for providing for medical, surgical, corrective, and  
31 other services and care, and facilities for diagnosis, hospitalization,  
32 and after care; to supervise the administration of those services,  
33 included in the program, which are not administered directly by it; to  
34 extend and improve any such services, including those in existence on  
35 April 1, 1941; to cooperate with medical, health, nursing, and welfare  
36 groups and organizations, and with any agency of the state charged with

1 the administration of laws providing for vocational rehabilitation of  
2 physically handicapped children; to cooperate with the federal  
3 government, through its appropriate agency or instrumentality in  
4 developing, extending, and improving such services; and to receive and  
5 expend all funds made available to the department by the federal  
6 government, the state or its political subdivisions or from other  
7 sources, for such purposes.

8 **Sec. 5080.** RCW 43.20A.660 and 1989 1st ex.s. c 9 s 215 are each  
9 amended to read as follows:

10 (1) It shall be the duty of each assistant attorney general,  
11 prosecuting attorney, or city attorney to whom the secretary reports  
12 any violation of chapter 43.20A RCW, or regulations promulgated  
13 thereunder, to cause appropriate proceedings to be instituted in the  
14 proper courts, without delay, and to be duly prosecuted as prescribed  
15 by law.

16 (2) Before any violation of chapter 43.20A RCW is reported by the  
17 secretary to the prosecuting attorney for the institution of a criminal  
18 proceeding, the person against whom such proceeding is contemplated  
19 shall be given appropriate notice and an opportunity to present his or  
20 her views to the secretary, either orally or in writing, with regard to  
21 such contemplated proceeding.

22 **Sec. 5081.** RCW 43.21A.050 and 1970 ex.s. c 62 s 5 are each amended  
23 to read as follows:

24 The executive and administrative head of the department shall be  
25 the director. The director shall be appointed by the governor with the  
26 consent of the senate. He or she shall have complete charge of and  
27 supervisory powers over the department. He or she shall be paid a  
28 salary fixed by the governor in accordance with the provisions of RCW  
29 43.03.040. If a vacancy occurs in the position of director while the  
30 senate is not in session, the governor shall make a temporary  
31 appointment until the next meeting of the senate at which time he or  
32 she shall present to that body his or her nomination for the position.

33 **Sec. 5082.** RCW 43.21A.067 and 1987 c 109 s 27 are each amended to  
34 read as follows:

1 The director of ecology may create within his or her department a  
2 fund to be known as the "basic data fund."

3 Into such fund shall be deposited all moneys contributed by persons  
4 for stream flow, groundwater and water quality data or other  
5 hydrographic information furnished by the department in cooperation  
6 with the United States geological survey, and the fund shall be  
7 expended on a matching basis with the United States geological survey  
8 for the purpose of obtaining additional basic information needed for an  
9 intelligent inventory of water resources in the state.

10 Disbursements from the basic data fund shall be on vouchers  
11 approved by the department and the district engineer of the United  
12 States geological survey.

13 **Sec. 5083.** RCW 43.21A.090 and 1970 ex.s. c 62 s 9 are each amended  
14 to read as follows:

15 All powers, duties and functions transferred to the department by  
16 the terms of chapter 62, Laws of 1970 ex. sess. shall be performed by  
17 the director: PROVIDED, That the director may delegate, by appropriate  
18 rule or regulation, the performance of such of his or her powers,  
19 duties, and functions, other than those relating to the adoption,  
20 amendment or rescission of rules and regulations, to employees of the  
21 department whenever it appears desirable in fulfilling the policy and  
22 purposes of this chapter.

23 **Sec. 5084.** RCW 43.21A.100 and 1970 ex.s. c 62 s 10 are each  
24 amended to read as follows:

25 In order to obtain maximum efficiency and effectiveness within the  
26 department, the director may create such administrative divisions  
27 within the department as he or she deems necessary. The director shall  
28 appoint a deputy director as well as such assistant directors as shall  
29 be needed to administer the several divisions within the department.  
30 The deputy director shall have charge and general supervision of the  
31 department in the absence or disability of the director. In the case  
32 of a vacancy in the office of director, the deputy director shall  
33 administer the department until the governor appoints a successor to  
34 the director or an acting director. The officers appointed under this  
35 section and exempt from the provisions of the state civil service law  
36 as provided in RCW 41.06.073, shall be paid salaries to be fixed by the

1 governor in accordance with the procedure established by law for the  
2 fixing of salaries for officers exempt from the operation of the state  
3 civil service law.

4 **Sec. 5085.** RCW 43.21A.140 and 1979 c 141 s 67 are each amended to  
5 read as follows:

6 The director in carrying out his or her powers and duties under  
7 this chapter shall consult with the department of social and health  
8 services and the state board of health, or their successors, insofar as  
9 necessary to assure that those agencies concerned with the preservation  
10 of life and health may integrate their efforts to the fullest extent  
11 possible and endorse policies in common.

12 **Sec. 5086.** RCW 43.21A.600 and 1988 c 127 s 8 are each amended to  
13 read as follows:

14 The department shall make studies and surveys, collect, compile and  
15 disseminate information and statistics to facilitate development of the  
16 electric power resources of the state by public utility districts,  
17 municipalities, electric cooperatives, joint operating agencies and  
18 public utility companies. The director may cause studies to be made  
19 relating to the construction of steam generating plants using any  
20 available fuel and their integration with hydro-electric facilities.  
21 He or she may cause designs for any such plant to be prepared. He or  
22 she shall employ such engineers and other experts and assistants as may  
23 be necessary to carry out his or her power resources functions.

24 **Sec. 5087.** RCW 43.21A.605 and 1988 c 127 s 9 are each amended to  
25 read as follows:

26 The director may represent the state and aid and assist the public  
27 utilities therein to the end that its resources shall be properly  
28 developed in the public interest insofar as they affect electric power  
29 and to this end he or she shall cooperate and may negotiate with  
30 Canada, the United States, the states thereof and their agencies to  
31 develop and integrate the resources of the region.

32 **Sec. 5088.** RCW 43.21A.610 and 1988 c 127 s 10 are each amended to  
33 read as follows:

34 The director shall continue the study of the state power commission

1 made in 1956 relating to the construction of a steam power electric  
2 generating plant, and if the construction of a steam electric  
3 generating plant is found to be feasible by the director, the director  
4 may construct such plant at a site determined by him or her to be  
5 feasible and operate it as a state owned facility.

6 **Sec. 5089.** RCW 43.21A.620 and 1988 c 127 s 15 are each amended to  
7 read as follows:

8 For the purposes provided for in RCW 43.21A.610 through 43.21A.642,  
9 the state finance committee shall, upon being notified to do so by the  
10 director, issue revenue bonds or warrants payable from the revenues  
11 from the steam electric plant provided for in RCW 43.21A.610. When the  
12 director deems it advisable that he or she acquire or construct said  
13 steam electric plant or make additions or betterments thereto, he or  
14 she shall so notify the state finance committee and he or she shall  
15 also notify the state finance committee as to the plan proposed,  
16 together with the estimated cost thereof. The state finance committee,  
17 upon receiving such notice, shall provide for the construction thereof  
18 and the issuance of revenue bonds or warrants therefor by a resolution  
19 which shall specify and adopt the system or plan proposed, and declare  
20 the estimated cost thereof, as nearly as may be, including as part of  
21 the cost, funds necessary for working capital for the operation of such  
22 utility and the payment of the expenses incurred in the acquisition or  
23 construction thereof. Such resolution shall specify that utility  
24 revenue bonds are to be issued to defray the cost thereof and the  
25 amount of such bonds to be issued. Bonds issued under the provisions  
26 of RCW 43.21A.610 through 43.21A.642 shall distinctly state that they  
27 are not a general obligation of the state.

28 **Sec. 5090.** RCW 43.21A.630 and 1965 c 8 s 43.21.350 are each  
29 amended to read as follows:

30 Prior to the issuance and delivery of any revenue bonds, such bonds  
31 and a certified copy of the resolution authorizing them shall be  
32 delivered to the state auditor together with any additional information  
33 that he or she may require. When the bonds have been examined they  
34 shall be registered by the auditor in books to be kept by him or her  
35 for that purpose, and a certificate of registration shall be endorsed  
36 upon each bond and signed by the auditor or a deputy appointed by him

1 or her for the purpose. The bonds shall then be prima facie valid and  
2 binding obligations of the state finance committee in accordance with  
3 their terms, notwithstanding any defects or irregularities in the  
4 authorization and issuance of the bonds, or in the sale, execution or  
5 delivery thereof.

6 **Sec. 5091.** RCW 43.21B.020 and 1970 ex.s. c 62 s 32 are each  
7 amended to read as follows:

8 The hearings board shall consist of three members qualified by  
9 experience or training in pertinent matters pertaining to the  
10 environment, and at least one member of the hearings board shall have  
11 been admitted to practice law in this state and engaged in the legal  
12 profession at the time of his or her appointment. The hearings board  
13 shall be appointed by the governor with the advice and consent of the  
14 senate, and no more than two of whom at the time of appointment or  
15 during their term shall be members of the same political party.

16 **Sec. 5092.** RCW 43.21B.050 and 1975-'76 2nd ex.s. c 34 s 101 are  
17 each amended to read as follows:

18 The hearings board shall operate on either a part time or a full  
19 time basis, as determined by the governor. If it is determined that  
20 the hearings board shall operate on a full time basis, each member of  
21 the hearings board shall receive an annual salary to be determined by  
22 the governor pursuant to RCW 43.03.040. If it is determined the  
23 hearings board shall operate on a part time basis, each member of the  
24 hearings board shall receive compensation on the basis of seventy-five  
25 dollars for each day spent in performance of his or her duties but such  
26 compensation shall not exceed ten thousand dollars in a fiscal year.  
27 Each hearings board member shall receive reimbursement for travel  
28 expenses incurred in the discharge of his or her duties in accordance  
29 with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

30 **Sec. 5093.** RCW 43.21B.060 and 1970 ex.s. c 62 s 36 are each  
31 amended to read as follows:

32 Each member of the hearings board: (1) Shall not be a candidate  
33 for nor hold any other public office or trust, and shall not engage in  
34 any occupation or business interfering with or inconsistent with his or  
35 her duty as a member of the hearings board, nor shall he or she serve

1 on or under any committee of any political party; and (2) shall not for  
2 a period of one year after the termination of his or her membership on  
3 the hearings board, act in a representative capacity before the  
4 hearings board on any matter.

5 **Sec. 5094.** RCW 43.21B.080 and 1970 ex.s. c 62 s 38 are each  
6 amended to read as follows:

7 The hearings board shall as soon as practicable after the initial  
8 appointment of the members thereof, meet and elect from among its  
9 members a (~~chairman~~) chair, and shall at least biennially thereafter  
10 meet and elect such a (~~chairman~~) chair.

11 **Sec. 5095.** RCW 43.21C.010 and 1971 ex.s. c 109 s 1 are each  
12 amended to read as follows:

13 The purposes of this chapter are: (1) To declare a state policy  
14 which will encourage productive and enjoyable harmony between (~~man~~)  
15 humankind and (~~his~~) the environment; (2) to promote efforts which  
16 will prevent or eliminate damage to the environment and biosphere; (3)  
17 and stimulate the health and welfare of (~~man~~) human beings; and (4)  
18 to enrich the understanding of the ecological systems and natural  
19 resources important to the state and nation.

20 **Sec. 5096.** RCW 43.21C.020 and 1971 ex.s. c 109 s 2 are each  
21 amended to read as follows:

22 (1) The legislature, recognizing that (~~man~~) a human being depends  
23 on (~~his~~) biological and physical surroundings for food, shelter, and  
24 other needs, and for cultural enrichment as well; and recognizing  
25 further the profound impact of (~~man's~~) a human being's activity on  
26 the interrelations of all components of the natural environment,  
27 particularly the profound influences of population growth, high-density  
28 urbanization, industrial expansion, resource utilization and  
29 exploitation, and new and expanding technological advances and  
30 recognizing further the critical importance of restoring and  
31 maintaining environmental quality to the overall welfare and  
32 development of (~~man~~) human beings, declares that it is the continuing  
33 policy of the state of Washington, in cooperation with federal and  
34 local governments, and other concerned public and private  
35 organizations, to use all practicable means and measures, including

1 financial and technical assistance, in a manner calculated to: (a)  
2 Foster and promote the general welfare; (b) (~~to~~) create and maintain  
3 conditions under which (~~man~~) human beings and nature can exist in  
4 productive harmony; and (c) fulfill the social, economic, and other  
5 requirements of present and future generations of Washington citizens.

6 (2) In order to carry out the policy set forth in this chapter, it  
7 is the continuing responsibility of the state of Washington and all  
8 agencies of the state to use all practicable means, consistent with  
9 other essential considerations of state policy, to improve and  
10 coordinate plans, functions, programs, and resources to the end that  
11 the state and its citizens may:

12 (a) Fulfill the responsibilities of each generation as trustee of  
13 the environment for succeeding generations;

14 (b) Assure for all people of Washington safe, healthful,  
15 productive, and aesthetically and culturally pleasing surroundings;

16 (c) Attain the widest range of beneficial uses of the environment  
17 without degradation, risk to health or safety, or other undesirable and  
18 unintended consequences;

19 (d) Preserve important historic, cultural, and natural aspects of  
20 our national heritage;

21 (e) Maintain, wherever possible, an environment which supports  
22 diversity and variety of individual choice;

23 (f) Achieve a balance between population and resource use which  
24 will permit high standards of living and a wide sharing of life's  
25 amenities; and

26 (g) Enhance the quality of renewable resources and approach the  
27 maximum attainable recycling of depletable resources.

28 (3) The legislature recognizes that each person has a fundamental  
29 and inalienable right to a healthful environment and that each person  
30 has a responsibility to contribute to the preservation and enhancement  
31 of the environment.

32 **Sec. 5097.** RCW 43.21E.010 and 1975 1st ex.s. c 44 s 1 are each  
33 amended to read as follows:

34 Within thirty days of May 15, 1975 the director of the Washington  
35 state department of ecology shall appoint a grass burning research  
36 advisory committee consisting of five voting members.

1 Two members shall be grass growers selected from the area of the  
2 state east of the Cascade mountain range, one representing irrigated  
3 and one representing dryland growing areas. One member shall be a  
4 grass grower selected from the area of the state west of the Cascade  
5 mountain range. One member shall be a representative of the Washington  
6 state department of agriculture, and one member shall represent the  
7 public, and may be selected at large. The committee shall select its  
8 own ((~~chairman~~)) chair. The state department of ecology shall provide  
9 an ex officio, nonvoting member to the committee to act as secretary.

10 **Sec. 5098.** RCW 43.21F.405 and 1969 c 9 s 2 are each amended to  
11 read as follows:

12 The board member from Washington shall be appointed by and shall  
13 serve at the pleasure of the governor. The board member may designate  
14 another person as his or her representative to attend meetings of the  
15 board.

16 **Sec. 5099.** RCW 43.21G.080 and 1977 ex.s. c 328 s 8 are each  
17 amended to read as follows:

18 The governor may order any distributor to take such action on his  
19 or her behalf as may be required to implement orders issued pursuant to  
20 this chapter as now or hereafter amended: PROVIDED, That orders to  
21 regulated distributors shall be issued by the Washington utilities and  
22 transportation commission in conformance with orders of the governor.  
23 No distributor shall be liable for actions taken in accordance with  
24 such orders issued by the governor or the Washington utilities and  
25 transportation commission.

26 All allocations of energy from one distributor to another  
27 distributor pursuant to orders issued or as a result of actions taken  
28 under this chapter as now or hereafter amended are subject to fair and  
29 just reimbursement. Such reimbursement for any allocation of energy  
30 between regulated distributors shall be subject to the approval of the  
31 Washington utilities and transportation commission. A distributor is  
32 authorized to enter into agreements with another distributor for the  
33 purpose of determining financial or commodity reimbursement.

34 **Sec. 5100.** RCW 43.22.310 and 1965 c 8 s 43.22.310 are each amended  
35 to read as follows:

1       The director or any employee of the department of labor and  
2 industries may enter any factory, mill, office, workshop, or public or  
3 private works at any time for the purpose of gathering facts and  
4 statistics as provided by this chapter, and examine into the methods of  
5 protection from danger to employees, and the sanitary conditions in and  
6 around such buildings and places and make a record thereof, and any  
7 owner or occupant of such factory, mill, office or workshop, or public  
8 or private works, or his or her agent who refuses to allow an inspector  
9 or employee of the department to enter, shall be guilty of a  
10 misdemeanor, and, upon conviction thereof, shall be punished by a fine  
11 of not less than twenty-five dollars nor more than one hundred dollars,  
12 or be imprisoned in the county jail not to exceed ninety days.

13       **Sec. 5101.** RCW 43.22.400 and 1995 c 280 s 11 are each amended to  
14 read as follows:

15       If the director of the department of labor and industries  
16 determines that the standards for body and frame design, construction  
17 and the plumbing, heating and electrical equipment installed in mobile  
18 homes, commercial coaches, recreational vehicles, and/or park trailers  
19 by the statutes or rules and regulations of other states are at least  
20 equal to the standards prescribed by this state, he or she may so  
21 provide by regulation. Any mobile home, commercial coach, recreational  
22 vehicle, and/or park trailer which a state listed in such regulations  
23 has approved as meeting its standards for body and frame design,  
24 construction and plumbing, heating and electrical equipment shall be  
25 deemed to meet the standards of the director of the department of labor  
26 and industries, if he or she determines that the standards of such  
27 state are actually being enforced.

28       **Sec. 5102.** RCW 43.22.485 and 1973 1st ex.s. c 22 s 6 are each  
29 amended to read as follows:

30       If the director of the department determines that the standards for  
31 factory built housing or factory built commercial structures prescribed  
32 by statute, rule or regulation of another state are at least equal to  
33 the regulations prescribed under RCW 43.22.450 through 43.22.490, and  
34 that such standards are actually enforced by such other state, he or  
35 she may provide by regulation that factory built housing or factory

1 built commercial structures approved by such other state shall be  
2 deemed to have been approved by the department.

3 **Sec. 5103.** RCW 43.23.015 and 1983 c 248 s 4 are each amended to  
4 read as follows:

5 Except for the functions specified in RCW 43.23.070, the director  
6 may, at his or her discretion, reassign any of the functions delegated  
7 to the various divisions of the department under the provisions of this  
8 chapter or any other law to any other division of the department.

9 **Sec. 5104.** RCW 43.23.090 and 1983 c 248 s 8 are each amended to  
10 read as follows:

11 The director of agriculture shall exercise all powers and perform  
12 all duties prescribed by law with respect to the inspection of foods,  
13 food products, drinks, milk and milk products, and dairies and dairy  
14 products and the components thereof.

15 He or she shall enforce and supervise the administration of all  
16 laws relating to foods, food products, drinks, milk and milk products,  
17 dairies and dairy products, and their inspection, manufacture, and  
18 sale.

19 **Sec. 5105.** RCW 43.23.110 and 1983 c 248 s 9 are each amended to  
20 read as follows:

21 The director of agriculture shall exercise all powers and perform  
22 all duties prescribed by law with respect to grains, grain and hay  
23 products, grain and terminal warehouses, commercial feeds, commercial  
24 fertilizers, and chemical pesticides.

25 He or she shall enforce and supervise the administration of all  
26 laws relating to grains, grain and hay products, grain and terminal  
27 warehouses, commercial feeds, commercial fertilizers, and chemical  
28 pesticides.

29 **Sec. 5106.** RCW 43.23.120 and 1977 c 75 s 50 are each amended to  
30 read as follows:

31 The director of agriculture may publish and distribute bulletins  
32 and reports embodying information upon the subjects of agriculture,  
33 horticulture, livestock, dairying, foods and drugs, and other matters  
34 pertaining to his or her department.

1           **Sec. 5107.** RCW 43.23.130 and 1977 c 75 s 51 are each amended to  
2 read as follows:

3           The director of agriculture shall make an annual report to the  
4 governor containing an account of all matters pertaining to his or her  
5 department and its administration.

6           **Sec. 5108.** RCW 43.23.160 and 1983 c 248 s 10 are each amended to  
7 read as follows:

8           The director of agriculture shall exercise all the powers and  
9 perform all the duties prescribed by law relating to commission  
10 merchants, livestock identification, livestock brand registration and  
11 inspection. All officers appointed to enforce these laws who have  
12 successfully completed a course of training prescribed by the  
13 Washington state criminal justice training commission shall have the  
14 authority generally vested in a peace officer solely for the purpose of  
15 enforcing these laws.

16           He or she shall enforce and supervise the administration of all  
17 laws relating to commission merchants, livestock identification and  
18 shall have the power to enforce all laws relating to any division under  
19 the supervision of the director of agriculture.

20           **Sec. 5109.** RCW 43.24.090 and 1965 c 8 s 43.24.090 are each amended  
21 to read as follows:

22           Any person taking any written examination prescribed or authorized  
23 by law, for a license or permit to practice any trade, occupation, or  
24 profession, who, because of any handicap, is unable to write the  
25 examination himself or herself, may dictate it to and have it written  
26 or typed by another, to the same effect as though the examination were  
27 written out by himself or herself. Any expense connected therewith  
28 shall be borne by the person taking the examination.

29           **Sec. 5110.** RCW 43.24.115 and 1965 c 100 s 6 are each amended to  
30 read as follows:

31           The director may deputize one or more of his or her assistants to  
32 perform his or her duties with reference to refusal, revocation or  
33 suspension of licenses, including the power to preside at hearings and  
34 to render decisions therein subject to the approval of the director.

1       **Sec. 5111.** RCW 43.27A.190 and 1987 c 109 s 11 are each amended to  
2 read as follows:

3       Notwithstanding and in addition to any other powers granted to the  
4 department of ecology, whenever it appears to the department that a  
5 person is violating or is about to violate any of the provisions of the  
6 following:

7           (1) Chapter 90.03 RCW; or

8           (2) Chapter 90.44 RCW; or

9           (3) Chapter 86.16 RCW; or

10          (4) Chapter 43.37 RCW; or

11          (5) Chapter 43.27A RCW; or

12          (6) Any other law relating to water resources administered by the  
13 department; or

14          (7) A rule or regulation adopted, or a directive or order issued by  
15 the department relating to subsections (1) through (6) of this section;  
16 the department may cause a written regulatory order to be served upon  
17 said person either personally, or by registered or certified mail  
18 delivered to addressee only with return receipt requested and  
19 acknowledged by him or her. The order shall specify the provision of  
20 the statute, rule, regulation, directive or order alleged to be or  
21 about to be violated, and the facts upon which the conclusion of  
22 violating or potential violation is based, and shall order the act  
23 constituting the violation or the potential violation to cease and  
24 desist or, in appropriate cases, shall order necessary corrective  
25 action to be taken with regard to such acts within a specific and  
26 reasonable time. The regulation of a headgate or controlling works as  
27 provided in RCW 90.03.070, by a watermaster, stream (~~patrolman~~)  
28 patrol officer, or other person so authorized by the department shall  
29 constitute a regulatory order within the meaning of this section. A  
30 regulatory order issued hereunder shall become effective immediately  
31 upon receipt by the person to whom the order is directed, except for  
32 regulations under RCW 90.03.070 which shall become effective when a  
33 written notice is attached as provided therein. Any person aggrieved  
34 by such order may appeal the order pursuant to RCW 43.21B.310.

35       **Sec. 5112.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended  
36 to read as follows:

1 The state finance committee may make appropriate rules and  
2 regulations for the performance of its duties. The state treasurer  
3 shall act as (~~chairman~~) chair of the committee.

4 **Sec. 5113.** RCW 43.37.050 and 1973 c 64 s 4 are each amended to  
5 read as follows:

6 In the case of hearings pursuant to RCW 43.37.180 the department  
7 shall, and in other cases may, cause a record of the proceedings to be  
8 taken and filed with the department, together with its findings and  
9 conclusions. For any hearing, the director of the department or a  
10 representative designated by him or her is authorized to administer  
11 oaths and affirmations, examine witnesses, and issue, in the name of  
12 the department, notice of the hearing or subpoenas requiring any person  
13 to appear and testify, or to appear and produce documents, or both, at  
14 any designated place.

15 **Sec. 5114.** RCW 43.37.120 and 1973 c 64 s 10 are each amended to  
16 read as follows:

17 A separate permit shall be issued for each operation. Prior to  
18 undertaking any weather modification and control activities the  
19 licensee shall file with the department and also cause to be published  
20 a notice of intention. The licensee, if a permit is issued, shall  
21 confine his or her activities for the permitted operation within the  
22 time and area limits set forth in the notice of intention, unless  
23 modified by the department; and his or her activities shall also  
24 conform to any conditions imposed by the department upon the issuance  
25 of the permit or to the terms of the permit as modified after issuance.

26 **Sec. 5115.** RCW 43.37.150 and 1973 c 64 s 12 are each amended to  
27 read as follows:

28 Proof of financial responsibility may be furnished by an applicant  
29 by his or her showing, to the satisfaction of the department, his or  
30 her ability to respond in damages for liability which might reasonably  
31 be attached to or result from his or her weather modification and  
32 control activities in connection with the operation for which he or she  
33 seeks a permit.

1       **Sec. 5116.** RCW 43.37.160 and 1973 c 64 s 13 are each amended to  
2 read as follows:

3       The fee to be paid by each applicant for a permit shall be  
4 equivalent to one and one-half percent of the estimated cost of such  
5 operation, the estimated cost to be computed by the department from the  
6 evidence available to it. The fee is due and payable to the department  
7 as of the date of the issuance of the permit; however, if the applicant  
8 is able to give to the department satisfactory security for the payment  
9 of the balance, he or she may be permitted to commence the operation,  
10 and a permit may be issued therefor, upon the payment of not less than  
11 fifty percent of the fee. The balance due shall be paid within three  
12 months from the date of the termination of the operation as prescribed  
13 in the permit. Failure to pay a permit fee as required shall be  
14 grounds for suspension or revocation of the license of the delinquent  
15 permit holder and grounds for refusal to renew his or her license or to  
16 issue any further permits to such person.

17       **Sec. 5117.** RCW 43.37.170 and 1973 c 64 s 14 are each amended to  
18 read as follows:

19       (1) Every licensee shall keep and maintain a record of all  
20 operations conducted by him or her pursuant to his or her license and  
21 each permit, showing the method employed, the type of equipment used,  
22 materials and amounts thereof used, the times and places of operation  
23 of the equipment, the name and post office address of each individual  
24 participating or assisting in the operation other than the licensee,  
25 and such other general information as may be required by the department  
26 and shall report the same to the department at the time and in the  
27 manner required.

28       (2) The department shall require written reports in such manner as  
29 it provides but not inconsistent with the provisions of this chapter,  
30 covering each operation for which a permit is issued. Further, the  
31 department shall require written reports from such organizations as are  
32 exempted from license, permit, and liability requirements as provided  
33 in RCW 43.37.090.

34       (3) The reports and records in the custody of the department shall  
35 be open for public examination.

1           **Sec. 5118.** RCW 43.41.060 and 1979 c 151 s 112 are each amended to  
2 read as follows:

3           The executive head of the office of financial management shall be  
4 the director, who shall be appointed by the governor with the consent  
5 of the senate, and who shall serve at the pleasure of the governor. He  
6 or she shall be paid a salary to be fixed by the governor in accordance  
7 with the provisions of RCW 43.03.040. If a vacancy occurs in his or  
8 her position while the senate is not in session, the governor shall  
9 make a temporary appointment until the next meeting of the senate, when  
10 he or she shall present to that body his or her nomination for the  
11 office. The director may delegate such of his or her powers, duties  
12 and functions to other officers and employees of the department as he  
13 or she may deem necessary to the fulfillment of the purposes of this  
14 chapter.

15           **Sec. 5119.** RCW 43.41.100 and 1979 c 151 s 114 are each amended to  
16 read as follows:

17           The director of financial management shall:

18           (1) Supervise and administer the activities of the office of  
19 financial management.

20           (2) Exercise all the powers and perform all the duties prescribed  
21 by law with respect to the administration of the state budget and  
22 accounting system.

23           (3) Advise the governor and the legislature with respect to matters  
24 affecting program management and planning.

25           (4) Make efficiency surveys of all state departments and  
26 institutions, and the administrative and business methods pursued  
27 therein, examine into the physical needs and industrial activities  
28 thereof, and make confidential reports to the governor, recommending  
29 necessary betterments, repairs, and the installation of improved and  
30 more economical administrative methods, and advising such action as  
31 will result in a greater measure of self-support and remedies for  
32 inefficient functioning.

33           The director may enter into contracts on behalf of the state to  
34 carry out the purposes of this chapter; he or she may act for the state  
35 in the initiation of or participation in any multi-governmental agency  
36 program relative to the purposes of this chapter; and he or she may

1 accept gifts and grants, whether such grants be of federal or other  
2 funds.

3 **Sec. 5120.** RCW 43.41.106 and 1979 c 151 s 117 are each amended to  
4 read as follows:

5 The director of financial management may, in his or her discretion,  
6 require any person presenting an account for settlement to be sworn  
7 before him or her, and to answer, orally or in writing, as to any facts  
8 relating to it.

9 **Sec. 5121.** RCW 43.41.360 and 1975 c 40 s 13 are each amended to  
10 read as follows:

11 In addition to other powers and duties prescribed by this chapter,  
12 the director shall:

13 (1) Fix the amount of bond to be given by each appointive state  
14 officer and each employee of the state in all cases where it is not  
15 fixed by law;

16 (2) Require the giving of an additional bond, or a bond in a  
17 greater amount than provided by law, in all cases where in his or her  
18 judgment the statutory bond is not sufficient in amount to cover the  
19 liabilities of the officer or employee;

20 (3) Exempt subordinate employees from giving bond when in his or  
21 her judgment their powers and duties are such as not to require a bond.

22 **Sec. 5122.** RCW 43.43.040 and 1998 c 194 s 1 are each amended to  
23 read as follows:

24 (1) The chief of the Washington state patrol shall relieve from  
25 active duty Washington state patrol officers who, while in the  
26 performance of their official duties, or while on standby or available  
27 for duty, have been or hereafter may be injured or incapacitated to  
28 such an extent as to be mentally or physically incapable of active  
29 service: PROVIDED, That:

30 (a) Any officer disabled while performing line duty who is found by  
31 the chief to be physically incapacitated shall be placed on disability  
32 leave for a period not to exceed six months from the date of injury or  
33 the date incapacitated. During this period, the officer shall be  
34 entitled to all pay, benefits, insurance, leave, and retirement  
35 contributions awarded to an officer on active status, less any

1 compensation received through the department of labor and industries.  
2 No such disability leave shall be approved until an officer has been  
3 unavailable for duty for more than forty consecutive work hours. Prior  
4 to the end of the six-month period, the chief shall either place the  
5 officer on disability status or return the officer to active status.

6 For the purposes of this section, "line duty" is active service  
7 which encompasses the traffic law enforcement duties and/or other law  
8 enforcement responsibilities of the state patrol. These activities  
9 encompass all enforcement practices of the laws, accident and criminal  
10 investigations, or actions requiring physical exertion or exposure to  
11 hazardous elements.

12 The chief shall define by rule the situations where a disability  
13 has occurred during line duty;

14 (b) Benefits under this section for a disability that is incurred  
15 while in other employment will be reduced by any amount the officer  
16 receives or is entitled to receive from workers' compensation, social  
17 security, group insurance, other pension plan, or any other similar  
18 source provided by another employer on account of the same disability;

19 (c) An officer injured while engaged in willfully tortious or  
20 criminal conduct shall not be entitled to disability benefits under  
21 this section; and

22 (d) Should a disability beneficiary whose disability was not  
23 incurred in line of duty, prior to attaining age fifty, engage in a  
24 gainful occupation, the chief shall reduce the amount of his or her  
25 retirement allowance to an amount which when added to the compensation  
26 earned by him or her in such occupation shall not exceed the basic  
27 salary currently being paid for the rank the retired officer held at  
28 the time he or she was disabled. All such disability beneficiaries  
29 under age fifty shall file with the chief every six months a signed and  
30 sworn statement of earnings and any person who shall knowingly swear  
31 falsely on such statement shall be subject to prosecution for perjury.  
32 Should the earning capacity of such beneficiary be further altered, the  
33 chief may further alter his or her disability retirement allowance as  
34 indicated above. The failure of any officer to file the required  
35 statement of earnings shall be cause for cancellation of retirement  
36 benefits.

37 (2) Officers on disability status shall receive one-half of their  
38 compensation at the existing wage, during the time the disability

1 continues in effect, less any compensation received through the  
2 department of labor and industries. They shall be subject to mental or  
3 physical examination at any state institution or otherwise under the  
4 direction of the chief of the patrol at any time during such relief  
5 from duty to ascertain whether or not they are able to resume active  
6 duty.

7 **Sec. 5123.** RCW 43.43.110 and 1965 c 8 s 43.43.110 are each amended  
8 to read as follows:

9 If as a result of any trial board hearing, or review proceeding, an  
10 officer complained of is found not guilty of the charges against him or  
11 her, he or she shall be immediately reinstated to his or her former  
12 position, and be reimbursed for any loss of salary suffered by reason  
13 of the previous disciplinary action.

14 **Sec. 5124.** RCW 43.43.120 and 2001 c 329 s 3 are each amended to  
15 read as follows:

16 As used in the following sections, unless a different meaning is  
17 plainly required by the context:

18 (1) "Retirement system" means the Washington state patrol  
19 retirement system.

20 (2) "Retirement fund" means the Washington state patrol retirement  
21 fund.

22 (3) "State treasurer" means the treasurer of the state of  
23 Washington.

24 (4) "Member" means any person included in the membership of the  
25 retirement fund.

26 (5) "Employee" means any commissioned employee of the Washington  
27 state patrol.

28 (6)(a) "Cadet," for a person who became a member of the retirement  
29 system after June 12, 1980, is a person who has passed the Washington  
30 state patrol's entry-level oral, written, physical performance, and  
31 background examinations and is, thereby, appointed by the chief as a  
32 candidate to be a commissioned officer of the Washington state patrol.

33 (b) "Cadet," for a person who became a member of the retirement  
34 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
35 employee of like classification, employed for the express purpose of  
36 receiving the on-the-job training required for attendance at the state

1 patrol academy and for becoming a commissioned trooper. "Like  
2 classification" includes: Radio operators or dispatchers; persons  
3 providing security for the governor or legislature; (~~patrolmen~~)  
4 patrol officers; drivers' license examiners; weighmasters; vehicle  
5 safety inspectors; central wireless operators; and (~~warehousemen~~)  
6 warehouse workers.

7 (7) "Beneficiary" means any person in receipt of retirement  
8 allowance or any other benefit allowed by this chapter.

9 (8) "Regular interest" means interest compounded annually at such  
10 rates as may be determined by the director.

11 (9) "Retirement board" means the board provided for in this  
12 chapter.

13 (10) "Insurance commissioner" means the insurance commissioner of  
14 the state of Washington.

15 (11) "Lieutenant governor" means the lieutenant governor of the  
16 state of Washington.

17 (12) "Service" shall mean services rendered to the state of  
18 Washington or any political subdivisions thereof for which compensation  
19 has been paid. Full time employment for seventy or more hours in any  
20 given calendar month shall constitute one month of service. An  
21 employee who is reinstated in accordance with RCW 43.43.110 shall  
22 suffer no loss of service for the period reinstated subject to the  
23 contribution requirements of this chapter. Only months of service  
24 shall be counted in the computation of any retirement allowance or  
25 other benefit provided for herein. Years of service shall be  
26 determined by dividing the total number of months of service by twelve.  
27 Any fraction of a year of service as so determined shall be taken into  
28 account in the computation of such retirement allowance or benefit.

29 (13) "Prior service" shall mean all services rendered by a member  
30 to the state of Washington, or any of its political subdivisions prior  
31 to August 1, 1947, unless such service has been credited in another  
32 public retirement or pension system operating in the state of  
33 Washington.

34 (14) "Current service" shall mean all service as a member rendered  
35 on or after August 1, 1947.

36 (15)(a) "Average final salary," for members commissioned prior to  
37 January 1, 2003, shall mean the average monthly salary received by a  
38 member during the member's last two years of service or any consecutive

1 two-year period of service, whichever is the greater, as an employee of  
2 the Washington state patrol; or if the member has less than two years  
3 of service, then the average monthly salary received by the member  
4 during the member's total years of service.

5 (b) "Average final salary," for members commissioned on or after  
6 January 1, 2003, shall mean the average monthly salary received by a  
7 member for the highest consecutive sixty service credit months; or if  
8 the member has less than sixty months of service, then the average  
9 monthly salary received by the member during the member's total months  
10 of service.

11 (16) "Actuarial equivalent" shall mean a benefit of equal value  
12 when computed upon the basis of such mortality table as may be adopted  
13 and such interest rate as may be determined by the director.

14 (17) Unless the context expressly indicates otherwise, words  
15 importing the masculine gender shall be extended to include the  
16 feminine gender and words importing the feminine gender shall be  
17 extended to include the masculine gender.

18 (18) "Director" means the director of the department of retirement  
19 systems.

20 (19) "Department" means the department of retirement systems  
21 created in chapter 41.50 RCW.

22 (20) "State actuary" or "actuary" means the person appointed  
23 pursuant to RCW 44.44.010(2).

24 (21) "Contributions" means the deduction from the compensation of  
25 each member in accordance with the contribution rates established under  
26 chapter 41.45 RCW.

27 (22) "Annual increase" means as of July 1, 1999, seventy-seven  
28 cents per month per year of service which amount shall be increased  
29 each subsequent July 1st by three percent, rounded to the nearest cent.

30 (23)(a) "Salary," for members commissioned prior to July 1, 2001,  
31 shall exclude any overtime earnings related to RCW 47.46.040, or any  
32 voluntary overtime, earned on or after July 1, 2001.

33 (b) "Salary," for members commissioned on or after July 1, 2001,  
34 shall exclude any overtime earnings related to RCW 47.46.040 or any  
35 voluntary overtime, lump sum payments for deferred annual sick leave,  
36 unused accumulated vacation, unused accumulated annual leave, holiday  
37 pay, or any form of severance pay.

1 (24) "Plan 2" means the Washington state patrol retirement system  
2 plan 2, providing the benefits and funding provisions covering  
3 commissioned employees who first become members of the system on or  
4 after January 1, 2003.

5 **Sec. 5125.** RCW 43.43.130 and 1994 c 197 s 33 are each amended to  
6 read as follows:

7 (1) A Washington state patrol retirement fund is hereby established  
8 for members of the Washington state patrol which shall include funds  
9 created and placed under the management of a retirement board for the  
10 payment of retirement allowances and other benefits under the  
11 provisions hereof.

12 (2) Any employee of the Washington state patrol, upon date of  
13 commissioning, shall be eligible to participate in the retirement plan  
14 and shall start contributing to the fund immediately. Any employee of  
15 the Washington state patrol employed by the state of Washington or any  
16 of its political subdivisions prior to August 1, 1947, unless such  
17 service has been credited in another public retirement or pension  
18 system operating in the state of Washington shall receive full credit  
19 for such prior service but after that date each new commissioned  
20 employee must automatically participate in the fund. If a member shall  
21 terminate service in the patrol and later reenter, he or she shall be  
22 treated in all respects as a new employee.

23 (3)(a) A member who reenters or has reentered service within ten  
24 years from the date of his or her termination, shall upon completion of  
25 six months of continuous service and upon the restoration of all  
26 withdrawn contributions, plus interest as determined by the director,  
27 which restoration must be completed within five years after resumption  
28 of service, be returned to the status of membership he or she earned at  
29 the time of termination.

30 (b) A member who does not meet the time limitations for restoration  
31 under (a) of this subsection, may restore the service credit destroyed  
32 by the withdrawn contributions by paying the amount required under RCW  
33 41.50.165(2) prior to retirement.

34 (4)(a) An employee of the Washington state patrol who becomes a  
35 member of the retirement system after June 12, 1980, and who has  
36 service as a cadet in the patrol training program may make an  
37 irrevocable election to transfer the service to the retirement system.

1 Any member upon making such election shall have transferred all  
2 existing service credited in a prior public retirement system in this  
3 state for periods of employment as a cadet. Transfer of credit under  
4 this subsection is contingent on completion of the transfer of funds  
5 specified in (b) of this subsection.

6 (b) Within sixty days of notification of a member's cadet service  
7 transfer as provided in (a) of this subsection, the department of  
8 retirement systems shall transfer the employee's accumulated  
9 contributions attributable to the periods of service as a cadet,  
10 including accumulated interest.

11 (5) A member of the retirement system who has served or shall serve  
12 on active federal service in the armed forces of the United States  
13 pursuant to and by reason of orders by competent federal authority, who  
14 left or shall leave the Washington state patrol to enter such service,  
15 and who within one year from termination of such active federal  
16 service, resumes employment as a state employee, shall have his or her  
17 service in such armed forces credited to him or her as a member of the  
18 retirement system: PROVIDED, That no such service in excess of five  
19 years shall be credited unless such service was actually rendered  
20 during time of war or emergency.

21 (6) An active employee of the Washington state patrol who either  
22 became a member of the retirement system prior to June 12, 1980, and  
23 who has prior service as a cadet in the public employees' retirement  
24 system may make an irrevocable election to transfer such service to the  
25 retirement system within a period ending June 30, 1985, or, if not an  
26 active employee on July 1, 1983, within one year of returning to  
27 commissioned service, whichever date is later. Any member upon making  
28 such election shall have transferred all existing service credited in  
29 the public employees' retirement system which constituted service as a  
30 cadet together with the employee's contributions plus credited  
31 interest. If the employee has withdrawn the employee's contributions,  
32 the contributions must be restored to the public employees' retirement  
33 system before the transfer of credit can occur and such restoration  
34 must be completed within the time limits specified in this subsection  
35 for making the elective transfer.

36 (7) An active employee of the Washington state patrol who either  
37 became a member of the retirement system prior to June 12, 1980, or who  
38 has prior service as a cadet in the public employees' retirement system

1 may make an irrevocable election to transfer such service to the  
2 retirement system if they have not met the time limitations of  
3 subsection (6) of this section by paying the amount required under RCW  
4 41.50.165(2) less the contributions transferred. Any member upon  
5 making such election shall have transferred all existing service  
6 credited in the public employees' retirement system that constituted  
7 service as a cadet together with the employee's contributions plus  
8 credited interest. If the employee has withdrawn the employee's  
9 contributions, the contributions must be restored to the public  
10 employees' retirement system before the transfer of credit can occur  
11 and such restoration must be completed within the time limits specified  
12 in subsection (6) of this section for making the elective transfer.

13 (8) An active employee of the Washington state patrol may establish  
14 up to six months' retirement service credit in the state patrol  
15 retirement system for any period of employment by the Washington state  
16 patrol as a cadet if service credit for such employment was not  
17 previously established in the public employees' retirement system,  
18 subject to the following:

19 (a) Certification by the patrol that such employment as a cadet was  
20 for the express purpose of receiving on-the-job training required for  
21 attendance at the state patrol academy and for becoming a commissioned  
22 trooper.

23 (b) Payment by the member of employee contributions in the amount  
24 of seven percent of the total salary paid for each month of service to  
25 be established, plus interest at seven percent from the date of the  
26 probationary service to the date of payment. This payment shall be  
27 made by the member no later than July 1, 1988.

28 (c) If the payment required under (b) of this subsection was not  
29 made by July 1, 1988, the member may establish the probationary service  
30 by paying the amount required under RCW 41.50.165(2).

31 (d) A written waiver by the member of the member's right to ever  
32 establish the same service in the public employees' retirement system  
33 at any time in the future.

34 (9) The department of retirement systems shall make the requested  
35 transfer subject to the conditions specified in subsections (6) and (7)  
36 of this section or establish additional credit as provided in  
37 subsection (8) of this section. Employee contributions and credited

1 interest transferred shall be credited to the employee's account in the  
2 Washington state patrol retirement system.

3 **Sec. 5126.** RCW 43.43.135 and 1965 c 8 s 43.43.135 are each amended  
4 to read as follows:

5 In any case where the Washington state patrol retirement system has  
6 in existence an agreement with another retirement system in connection  
7 with exchange of service credit or an agreement whereby members can  
8 retain service credit in more than one system, an employee holding  
9 membership in, or receiving pension benefits under, any retirement plan  
10 operated wholly or in part by an agency of the state or political  
11 subdivision thereof, or who is by reason of his or her current  
12 employment contributing to or otherwise establishing the right to  
13 receive benefits from any such retirement plan, shall be allowed  
14 membership rights should the agreement so provide.

15 **Sec. 5127.** RCW 43.43.330 and 1993 c 155 s 1 are each amended to  
16 read as follows:

17 Appropriate examinations shall be conducted for the promotion of  
18 commissioned patrol officers to the rank of sergeant and lieutenant.  
19 The examinations shall be prepared and conducted under the supervision  
20 of the chief of the Washington state patrol, who shall cause at least  
21 thirty days written notice thereof to be given to all patrol officers  
22 eligible for such examinations. The written notice shall specify the  
23 expected type of examination and relative weights to be assigned if a  
24 combination of tests is to be used. Examinations shall be given once  
25 every two years, or whenever the eligible list becomes exhausted as the  
26 case may be. After the giving of each such examination a new eligible  
27 list shall be compiled replacing any existing eligible list for such  
28 rank. Only grades attained in the last examination given for a  
29 particular rank shall be used in compiling each eligible list therefor.  
30 The chief, or in his or her discretion a committee of three individuals  
31 appointed by him or her, shall prepare and conduct the examinations,  
32 and thereafter grade and evaluate them in accordance with the following  
33 provisions, or factors: For promotion to the rank of sergeant or  
34 lieutenant, the examination shall consist of one or more of the  
35 following components: (1) Oral examination; (2) written examination;  
36 (3) service rating; (4) personnel record; (5) assessment center or

1 other valid tests that measures the skills, knowledge, and qualities  
2 needed to perform these jobs. A cutoff score may be set for each  
3 testing component that allows only those scoring above the cutoff on  
4 one component to proceed to take a subsequent component.

5 **Sec. 5128.** RCW 43.43.350 and 1998 c 193 s 1 are each amended to  
6 read as follows:

7 Eligibility for examination for promotion shall be determined as  
8 follows:

9 Patrol officers with one year of probationary experience, in  
10 addition to three years experience as a regular ((~~patrolman~~)) patrol  
11 officer before the date of the first examination occurrence, shall be  
12 eligible for examination for the rank of sergeant; patrol officers with  
13 one year of probationary experience in the rank of sergeant before the  
14 date of the first examination occurrence, in addition to two years as  
15 a regular sergeant, shall be eligible for examination for the rank of  
16 lieutenant.

17 **Sec. 5129.** RCW 43.43.370 and 1965 c 8 s 43.43.370 are each amended  
18 to read as follows:

19 The chief of the Washington state patrol may appoint such staff or  
20 technical officers as he or she deems necessary for the efficient  
21 operation of the patrol, and he or she may assign whatever rank he or  
22 she deems necessary to such staff or technical officers for the  
23 duration of their service as such.

24 Staff or technical officers may be returned to their line rank or  
25 position whenever the chief so desires. Staff or technical officers  
26 without line command assignment and whose duties are of a special or  
27 technical nature shall hold their staff or technical rank on a  
28 continuing probationary basis; however, such staff or technical  
29 officers, if otherwise eligible, shall not be prevented from taking the  
30 line promotion examinations, and qualifying for promotion whenever the  
31 examinations may be held.

32 If a staff or technical officer returns to line operations he or  
33 she shall return in the rank that he or she holds in the line command,  
34 unless promoted to a higher rank through examination and appointment as  
35 herein provided: PROVIDED, Nothing contained herein shall be construed

1 as giving the chief the right to demote or to reduce the rank of any  
2 officer of the patrol who was holding such office on April 1, 1949.

3 **Sec. 5130.** RCW 43.43.735 and 2006 c 294 s 6 are each amended to  
4 read as follows:

5 (1) It shall be the duty of the sheriff or director of public  
6 safety of every county, and the chief of police of every city or town,  
7 and of every chief officer of other law enforcement agencies duly  
8 operating within this state, to cause the photographing and  
9 fingerprinting of all adults and juveniles lawfully arrested for the  
10 commission of any criminal offense constituting a felony or gross  
11 misdemeanor. (a) When such juveniles are brought directly to a  
12 juvenile detention facility, the juvenile court administrator is also  
13 authorized, but not required, to cause the photographing,  
14 fingerprinting, and record transmittal to the appropriate law  
15 enforcement agency; and (b) a further exception may be made when the  
16 arrest is for a violation punishable as a gross misdemeanor and the  
17 arrested person is not taken into custody.

18 (2) It shall be the right, but not the duty, of the sheriff or  
19 director of public safety of every county, and the chief of police of  
20 every city or town, and every chief officer of other law enforcement  
21 agencies operating within this state to photograph and record the  
22 fingerprints of all adults lawfully arrested.

23 (3) Such sheriffs, directors of public safety, chiefs of police,  
24 and other chief law enforcement officers, may record, in addition to  
25 photographs and fingerprints, the palmprints, soleprints, toeprints, or  
26 any other identification data of all persons whose photograph and  
27 fingerprints are required or allowed to be taken under this section  
28 when in the discretion of such law enforcement officers it is necessary  
29 for proper identification of the arrested person or the investigation  
30 of the crime with which he or she is charged.

31 **Sec. 5131.** RCW 43.43.750 and 1972 ex.s. c 152 s 11 are each  
32 amended to read as follows:

33 In exercising their duties and authority under RCW 43.43.735 and  
34 43.43.740, the sheriffs, directors of public safety, chiefs of police,  
35 and other chief law enforcement officers, may, consistent with  
36 constitutional and legal requirements, use such reasonable force as is

1 necessary to compel an unwilling person to submit to being  
2 photographed, or fingerprinted, or to submit to any other  
3 identification procedure, except interrogation, which will result in  
4 obtaining physical evidence serving to identify such person. No one  
5 having the custody of any person subject to the identification  
6 procedures provided for in chapter 152, Laws of 1972 ex. sess., and no  
7 one acting in his or her aid or under his or her direction, and no one  
8 concerned in such publication as is provided for in RCW 43.43.740,  
9 shall incur any liability, civil or criminal, for anything lawfully  
10 done in the exercise of the provisions of chapter 152, Laws of 1972 ex.  
11 sess.

12 **Sec. 5132.** RCW 43.43.815 and 1995 c 169 s 1 are each amended to  
13 read as follows:

14 (1) Notwithstanding any provision of RCW 43.43.700 through  
15 43.43.810 to the contrary, the Washington state patrol shall furnish a  
16 conviction record, as defined in RCW 10.97.030, pertaining to any  
17 person of whom the Washington state patrol has a record upon the  
18 written or electronic request of any employer for the purpose of:

19 (a) Securing a bond required for any employment;

20 (b) Conducting preemployment and postemployment evaluations of  
21 employees and prospective employees who, in the course of employment,  
22 may have access to information affecting national security, trade  
23 secrets, confidential or proprietary business information, money, or  
24 items of value; or

25 (c) Assisting an investigation of suspected employee misconduct  
26 where such misconduct may also constitute a penal offense under the  
27 laws of the United States or any state.

28 (2) When an employer has received a conviction record under  
29 subsection (1) of this section, the employer shall notify the subject  
30 of the record of such receipt within thirty days after receipt of the  
31 record, or upon completion of an investigation under subsection (1)(c)  
32 of this section. The employer shall make the record available for  
33 examination by its subject and shall notify the subject of such  
34 availability.

35 (3) The Washington state patrol shall charge fees for disseminating  
36 records pursuant to this section which will cover, as nearly as

1 practicable, the direct and indirect costs to the Washington state  
2 patrol of disseminating such records.

3 (4) Information disseminated pursuant to this section or RCW  
4 43.43.760 shall be available only to persons involved in the hiring,  
5 background investigation, or job assignment of the person whose record  
6 is disseminated and shall be used only as necessary for those purposes  
7 enumerated in subsection (1) of this section.

8 (5) Any person may maintain an action to enjoin a continuance of  
9 any act or acts in violation of any of the provisions of this section,  
10 and if injured thereby, for the recovery of damages and for the  
11 recovery of reasonable attorneys' fees. If, in such action, the court  
12 finds that the defendant is violating or has violated any of the  
13 provisions of this section, it shall enjoin the defendant from a  
14 continuance thereof, and it shall not be necessary that actual damages  
15 to the plaintiff be alleged or proved. In addition to such injunctive  
16 relief, the plaintiff in the action is entitled to recover from the  
17 defendant the amount of the actual damages, if any, sustained by him or  
18 her if actual damages to the plaintiff are alleged and proved. In any  
19 suit brought to enjoin a violation of this chapter, the prevailing  
20 party may be awarded reasonable attorneys' fees, including fees  
21 incurred upon appeal. Commencement, pendency, or conclusion of a civil  
22 action for injunction or damages shall not affect the liability of a  
23 person or agency to criminal prosecution for a violation of chapter  
24 10.97 RCW.

25 (6) Neither the section, its employees, nor any other agency or  
26 employee of the state is liable for defamation, invasion of privacy,  
27 negligence, or any other claim in connection with any dissemination of  
28 information pursuant to this section or RCW 43.43.760.

29 (7) The Washington state patrol may adopt rules and forms to  
30 implement this section and to provide for security and privacy of  
31 information disseminated pursuant hereto, giving first priority to the  
32 criminal justice requirements of chapter 43.43 RCW. Such rules may  
33 include requirements for users, audits of users, and other procedures  
34 to prevent use of criminal history record information inconsistent with  
35 this section.

36 (8) Nothing in this section shall authorize an employer to make an  
37 inquiry not otherwise authorized by law, or be construed to affect the

1 policy of the state declared in RCW 9.96A.010, encouraging the  
2 employment of ex-offenders.

3 **\*Sec. 5133. RCW 43.43.860 and 1987 c 65 s 2 are each amended to**  
4 **read as follows:**

5 **The term of each legislative member shall be two years and shall be**  
6 **conditioned upon such member retaining membership in the legislature**  
7 **and in the same political party of which he or she was a member at the**  
8 **time of appointment.**

9 **The term of each nonlegislative member shall be two years and shall**  
10 **be conditioned upon such member retaining the official position from**  
11 **which he or she was appointed.**

*\*Sec. 5133 was vetoed. See message at end of chapter.*

12 **Sec. 5134. RCW 43.46.090 and 1983 c 204 s 1 are each amended to**  
13 **read as follows:**

14 The legislature recognizes this state's responsibility to foster  
15 culture and the arts and its interest in the viable development of  
16 ((her)) the state's artists ((and craftsmen)) by the establishment of  
17 the Washington state arts commission. The legislature declares it to  
18 be a policy of this state that a portion of appropriations for capital  
19 expenditures be set aside for the acquisition of works of art to be  
20 placed in public buildings or lands. There is hereby established a  
21 visual arts program to be administered by the Washington state arts  
22 commission.

23 **Sec. 5135. RCW 43.52.290 and 1983 1st ex.s. c 3 s 1 are each**  
24 **amended to read as follows:**

25 Members of the board of directors of an operating agency shall be  
26 paid the sum of fifty dollars per day as compensation for each day or  
27 major part thereof devoted to the business of the operating agency,  
28 together with their traveling and other necessary expenses. Such  
29 member may, regardless of any charter or other provision to the  
30 contrary, be an officer or employee holding another public position  
31 and, if he or she be such other public officer or employee, he or she  
32 shall be paid by the operating agency such amount as will, together  
33 with the compensation for such other public position equal the sum of  
34 fifty dollars per day. The common law doctrine of incompatibility of  
35 offices is hereby voided as it applies to persons sitting on the board

1 of directors or the executive board of an operating agency and holding  
2 an elective or appointive position on a public utility district  
3 commission or municipal legislative authority or being an employee of  
4 a public utility district or municipality.

5 **Sec. 5136.** RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each  
6 amended to read as follows:

7 (1) With the exception of the powers and duties of the board of  
8 directors described in RCW 43.52.370(2), the management and control of  
9 an operating agency constructing, operating, terminating, or  
10 decommissioning a nuclear power plant under a site certification  
11 agreement under chapter 80.50 RCW is vested in an executive board  
12 established under this subsection and consisting of eleven members.

13 (a) Five members of the executive board shall be elected to four-  
14 year terms by the board of directors from among the members of the  
15 board of directors. The board of directors may provide by rule for the  
16 composition of the five members of the executive board elected from  
17 among the members of the board of directors so as to reflect the member  
18 public utility districts' and cities' participation in the joint  
19 operating agency's projects. Members elected to the executive board  
20 from the board of directors are ineligible for continued membership on  
21 the executive board if they cease to be members of the board of  
22 directors. The board of directors may also provide by rule for the  
23 removal of a member of the executive board, except for the outside  
24 directors. Members of the board of directors may be elected to serve  
25 successive terms on the executive board. Members elected to the  
26 executive board from the board of directors shall receive a salary from  
27 the operating agency at a rate set by the board of directors.

28 (b) Six members of the executive board shall be outside directors.  
29 Three shall be selected and appointed by the board of directors, and  
30 three shall be selected and appointed by the governor and confirmed by  
31 the senate. All outside directors shall:

32 (i) Serve four-year terms on the executive board. However, of the  
33 initial members of the executive board, the board of directors and the  
34 governor shall each appoint one outside director to serve a two-year  
35 term, one outside director to serve a three-year term, and one outside  
36 director to serve a four-year term. Thereafter, all outside directors

1 shall be appointed for four-year terms. All outside directors are  
2 eligible for reappointment;

3 (ii) Receive travel expenses on the same basis as the five members  
4 elected from the board of directors. The outside directors shall also  
5 receive a salary from the operating agency as fixed by the governor;

6 (iii) Not be an officer or employee of, or in any way affiliated  
7 with, the Bonneville power administration or any electric utility  
8 conducting business in the states of Washington, Oregon, Idaho, or  
9 Montana;

10 (iv) Not be involved in the financial affairs of the operating  
11 agency as an underwriter or financial adviser of the operating agency  
12 or any of its members or any of the participants in any of the  
13 operating agency's plants; and

14 (v) Be representative of policy makers in business, finance, or  
15 science, or have expertise in the construction or management of such  
16 facilities as the operating agency is constructing or operating, or  
17 have expertise in the termination, disposition, or liquidation of  
18 corporate assets.

19 (c) The governor may remove outside directors from the executive  
20 board for incompetency, misconduct, or malfeasance in office in the  
21 same manner as state appointive officers under chapter 43.06 RCW. For  
22 purposes of this subsection, misconduct shall include, but not be  
23 limited to, nonfeasance and misfeasance.

24 (2) Nothing in this chapter shall be construed to mean that an  
25 operating agency is in any manner an agency of the state. Nothing in  
26 this chapter alters or destroys the status of an operating agency as a  
27 separate municipal corporation or makes the state liable in any way or  
28 to any extent for any preexisting or future debt of the operating  
29 agency or any present or future claim against the agency.

30 (3) The eleven members of the executive board shall be selected  
31 with the objective of establishing an executive board which has the  
32 resources to effectively carry out its responsibilities. All members  
33 of the executive board shall conduct their business in a manner which  
34 in their judgment is in the interest of all ratepayers affected by the  
35 joint operating agency and its projects.

36 (4) The executive board shall elect from its members a (~~chairman~~)  
37 chair, vice (~~chairman~~) chair, and secretary, who shall serve at the  
38 pleasure of the executive board. The executive board shall adopt rules

1 for the conduct of its meetings and the carrying out of its business.  
2 All proceedings shall be by motion or resolution and shall be recorded  
3 in the minute book, which shall be a public record. A majority of the  
4 executive board shall constitute a quorum for the transaction of  
5 business.

6 (5) With respect to any operating agency existing on April 20,  
7 1982, to which the provisions of this section are applicable:

8 (a) The board of directors shall elect five members to the  
9 executive board no later than sixty days after April 20, 1982; and

10 (b) The board of directors and the governor shall select and  
11 appoint the initial outside directors and the executive board shall  
12 hold its organizational meeting no later than sixty days after April  
13 20, 1982, and the powers and duties prescribed in this chapter shall  
14 devolve upon the executive board at that time.

15 (6) The executive board shall select and employ a managing director  
16 of the operating agency and may delegate to the managing director such  
17 authority for the management and control of the operating agency as the  
18 executive board deems appropriate. The managing director's employment  
19 is terminable at the will of the executive board.

20 (7) Members of the executive board shall be immune from civil  
21 liability for mistakes and errors of judgment in the good faith  
22 performance of acts within the scope of their official duties involving  
23 the exercise of judgment and discretion. This grant of immunity shall  
24 not be construed as modifying the liability of the operating agency.

25 The operating agency shall undertake the defense of and indemnify  
26 each executive board member made a party to any civil proceeding  
27 including any threatened, pending, or completed action, suit, or  
28 proceeding, whether civil, administrative, or investigative, by reason  
29 of the fact he or she is or was a member of the executive board,  
30 against judgments, penalties, fines, settlements, and reasonable  
31 expenses, actually incurred by him or her in connection with such  
32 proceeding if he or she had conducted himself or herself in good faith  
33 and reasonably believed his or her conduct to be in the best interest  
34 of the operating agency.

35 In addition members of the executive board who are utility  
36 employees shall not be fired, forced to resign, or demoted from their  
37 utility jobs for decisions they make while carrying out their duties as

1 members of the executive board involving the exercise of judgment and  
2 discretion.

3 \*Sec. 5137. RCW 43.52.375 and 1982 1st ex.s. c 43 s 7 are each  
4 amended to read as follows:

5 The board of each joint operating agency shall by resolution  
6 appoint a treasurer. The treasurer shall be the chief financial  
7 officer of the operating agency, who shall report at least annually to  
8 the board a detailed statement of the financial condition of the  
9 operating agency and of its financial operations for the preceding  
10 fiscal year. The treasurer shall advise the board on all matters  
11 affecting the financial condition of the operating agency. Before  
12 entering upon his or her duties the treasurer shall give bond to the  
13 operating agency, with a surety company authorized to write such bonds  
14 in this state as surety, in an amount which the board finds by  
15 resolution will protect the operating agency against loss, conditioned  
16 that all funds which he or she receives as such treasurer will be  
17 faithfully kept and accounted for and for the faithful discharge of his  
18 or her duties. The amount of such bond may be decreased or increased  
19 from time to time as the board may by resolution direct.

20 The board shall also appoint an auditor and may require him or her  
21 to give a bond with a surety company authorized to do business in the  
22 state of Washington in such amount as it shall by resolution prescribe,  
23 conditioned for the faithful discharge of his or her duties. The  
24 auditor shall report directly to the board and be responsible to it for  
25 discharging his or her duties.

26 The premiums on the bonds of the auditor and the treasurer shall be  
27 paid by the operating agency. The board may provide for coverage of  
28 said officers and other persons on the same bond.

29 All funds of the joint operating agency shall be paid to the  
30 treasurer and shall be disbursed by him or her only on warrants issued  
31 by the auditor upon orders or vouchers approved by the board:  
32 PROVIDED, That the board by resolution may authorize the managing  
33 director or any other bonded officer or employee as legally permissible  
34 to approve or disapprove vouchers presented to defray salaries of  
35 employees and other expenses of the operating agency arising in the  
36 usual and ordinary course of its business, including expenses incurred  
37 by the board of directors, its executive committee, or the executive

1 *board in the performance of their duties. All moneys of the operating*  
2 *agency shall be deposited forthwith by the treasurer in such*  
3 *depositories, and with such securities as are designated by rules of*  
4 *the board. The treasurer shall establish a general fund and such*  
5 *special funds as shall be created by the board, into which he or she*  
6 *shall place all money of the joint operating agency as the board by*  
7 *resolution or motion may direct.*

*\*Sec. 5137 was vetoed. See message at end of chapter.*

8 **Sec. 5138.** RCW 43.52.378 and 1987 c 505 s 84 are each amended to  
9 read as follows:

10 The executive board of any operating agency constructing,  
11 operating, terminating, or decommissioning a nuclear power plant under  
12 a site certification agreement issued pursuant to chapter 80.50 RCW  
13 shall appoint an administrative auditor. The administrative auditor  
14 shall be deemed an officer under chapter 42.23 RCW. The appointment of  
15 the administrative auditor shall be in addition to the appointment of  
16 the auditor for the issuance of warrants and other purposes as provided  
17 in RCW 43.52.375. The executive board shall retain a qualified firm or  
18 firms to conduct performance audits which is in fact independent and  
19 does not have any interest, direct or indirect, in any contract with  
20 the operating agency other than its employment hereunder. No member or  
21 employee of any such firm shall be connected with the operating agency  
22 as an officer, employee, or contractor. The administrative auditor and  
23 the firm or firms shall be independently and directly responsible to  
24 the executive board of the operating agency. The executive board shall  
25 require a firm to conduct continuing audits of the methods, procedures  
26 and organization used by the operating agency to control costs,  
27 schedules, productivity, contract amendments, project design and any  
28 other topics deemed desirable by the executive board. The executive  
29 board may also require a firm to analyze particular technical aspects  
30 of the operating agency's projects and contract amendments. The firm  
31 or firms shall provide advice to the executive board in its management  
32 and control of the operating agency. At least once each year, the firm  
33 or firms shall prepare and furnish a report of its actions and  
34 recommendations to the executive board for the purpose of enabling it  
35 to attain the highest degree of efficiency in the management and  
36 control of any thermal power project under construction or in  
37 operation. The administrative auditor shall assist the firm or firms

1 in the performance of its duties. The administrative auditor and the  
2 firm or firms shall consult regularly with the executive board and  
3 furnish any information or data to the executive board which the  
4 administrative auditor, firm, or executive board deems helpful in  
5 accomplishing the purpose above stated. The administrative auditor  
6 shall perform such other duties as the executive board shall prescribe  
7 to accomplish the purposes of this section.

8 Upon the concurrent request of the (~~chairmen~~) chairs of the  
9 senate or house energy and utilities committees, the operating agency  
10 shall report to the committees on a quarterly basis.

11 **Sec. 5139.** RCW 43.52A.050 and 1981 c 14 s 5 are each amended to  
12 read as follows:

13 (1) Council members shall spend sufficient time on council  
14 activities to fully represent the state of Washington in carrying out  
15 the purposes of the act.

16 (2) State agencies shall provide technical assistance to council  
17 members upon request. The council members shall request that the  
18 council request the administrator of the Bonneville Power  
19 Administration to reimburse the state for the expenses associated with  
20 such assistance as provided in the act.

21 (3) The members of the council shall maintain liaison with the  
22 governor or his or her designees and the committees on energy and  
23 utilities, or their successor entities, of the senate and house of  
24 representatives.

25 (4) The members of the council shall submit to the governor and  
26 legislature an annual report describing the activities and plans of the  
27 council.

28 (5) Each member of the council shall receive compensation to be  
29 determined by the governor and applicable federal law and shall be  
30 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, as  
31 now or hereafter amended.

32 **\*Sec. 5140.** RCW 43.56.040 and 1975-'76 2nd ex.s. c 34 s 118 are  
33 each amended to read as follows:

34 ***No member of the board shall receive any compensation for his or***  
35 ***her services, but each member shall be paid travel expenses incurred in***

1 *the discharge of official duty in accordance with RCW 43.03.050 and*  
2 *43.03.060 as now existing or hereafter amended, after the account*  
3 *thereof has been audited by the board.*

4 *The board shall keep a full account of its expenditures and shall*  
5 *report it in each report. There shall be allowed such expenses for*  
6 *only one annual meeting of the board within this state, and for the*  
7 *members in attendance, not oftener than once in each year, at any*  
8 *conference of commissioners outside of this state.*

*\*Sec. 5140 was vetoed. See message at end of chapter.*

9 **Sec. 5141.** RCW 43.59.010 and 1998 c 165 s 2 are each amended to  
10 read as follows:

11 (1) The purpose of this chapter is to establish a new agency of  
12 state government to be known as the Washington traffic safety  
13 commission. The functions and purpose of this commission shall be to  
14 find solutions to the problems that have been created as a result of  
15 the tremendous increase of motor vehicles on our highways and the  
16 attendant traffic death and accident tolls; to plan and supervise  
17 programs for the prevention of accidents on streets and highways  
18 including but not limited to educational campaigns designed to reduce  
19 traffic accidents in cooperation with all official and unofficial  
20 organizations interested in traffic safety; to coordinate the  
21 activities at the state and local level in the development of statewide  
22 and local traffic safety programs; to promote a uniform enforcement of  
23 traffic safety laws and establish standards for investigation and  
24 reporting of traffic accidents; to promote and improve driver  
25 education; and to authorize the governor to perform all functions  
26 required to be performed by him or her under the federal Highway Safety  
27 Act of 1966 (Public Law 89-564; 80 Stat. 731).

28 (2) The legislature finds and declares that bicycling and walking  
29 are becoming increasingly popular in Washington as clean and efficient  
30 modes of transportation, as recreational activities, and as organized  
31 sports. Future plans for the state's transportation system will  
32 require increased access and safety for bicycles and pedestrians on our  
33 common roadways, and federal transportation legislation and funding  
34 programs have created strong incentives to implement these changes  
35 quickly. As a result, many more people are likely to take up bicycling  
36 in Washington both as a leisure activity and as a convenient,  
37 inexpensive form of transportation. Bicyclists are more vulnerable to

1 injury and accident than motorists, and should be as knowledgeable as  
2 possible about traffic laws, be highly visible and predictable when  
3 riding in traffic, and be encouraged to wear bicycle safety helmets.  
4 Hundreds of bicyclists and pedestrians are seriously injured every year  
5 in accidents, and millions of dollars are spent on health care costs  
6 associated with these accidents. There is clear evidence that  
7 organized training in the rules and techniques of safe and effective  
8 cycling can significantly reduce the incidence of serious injury and  
9 accidents, increase cooperation among road users, and significantly  
10 increase the incidence of bicycle helmet use, particularly among  
11 minors. A reduction in accidents benefits the entire community.  
12 Therefore it is appropriate for businesses and community organizations  
13 to provide donations to bicycle and pedestrian safety training  
14 programs.

15 **Sec. 5142.** RCW 43.59.030 and 1991 c 3 s 298 are each amended to  
16 read as follows:

17 The governor shall be assisted in his or\_her duties and  
18 responsibilities by the Washington state traffic safety commission.  
19 The Washington traffic safety commission shall be composed of the  
20 governor as ((~~chairman~~)) chair, the superintendent of public  
21 instruction, the director of licensing, the secretary of  
22 transportation, the chief of the state patrol, the secretary of health,  
23 the secretary of social and health services, a representative of the  
24 association of Washington cities to be appointed by the governor, a  
25 member of the association of counties to be appointed by the governor,  
26 and a representative of the judiciary to be appointed by the governor.  
27 Appointments to any vacancies among appointee members shall be as in  
28 the case of original appointment.

29 The governor may designate an employee of the governor's office to  
30 act on behalf of the governor during the absence of the governor at one  
31 or more of the meetings of the commission. The vote of the designee  
32 shall have the same effect as if cast by the governor if the  
33 designation is in writing and is presented to the person presiding at  
34 the meetings included within the designation.

35 The governor may designate a member to preside during the  
36 governor's absence.

1           **Sec. 5143.** RCW 43.59.060 and 1967 ex.s. c 147 s 7 are each amended  
2 to read as follows:

3           The governor as ((~~chairman~~)) chair of the commission shall appoint  
4 a person to be director of the Washington traffic safety commission  
5 which director shall be paid such salary as shall be deemed reasonable  
6 and shall serve at the pleasure of the governor.

7           **Sec. 5144.** RCW 43.59.080 and 1967 ex.s. c 147 s 9 are each amended  
8 to read as follows:

9           The governor as ((~~chairman~~)) chair of said commission shall have  
10 the authority to appoint advisory committees as he or she may deem  
11 advisable to aid, advise and assist the commission in carrying out the  
12 purposes of this chapter. All actions and decisions, however, shall be  
13 made by the commission.

14           **Sec. 5145.** RCW 43.70.210 and 1989 1st ex.s. c 9 s 260 are each  
15 amended to read as follows:

16           Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be  
17 construed to abridge the right of any person to rely exclusively on  
18 spiritual means alone through prayer to alleviate human ailments,  
19 sickness or disease, in accordance with the tenets and practice of the  
20 Church of Christ, Scientist, nor shall anything in chapters 43.20,  
21 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so relying  
22 who is inflicted with a contagious or communicable disease from being  
23 isolated or quarantined in a private place of his or her own choice,  
24 provided, it is approved by the local health officer, and all laws,  
25 rules and regulations governing control, sanitation, isolation and  
26 quarantine are complied with.

27           **Sec. 5146.** RCW 43.78.010 and 1981 c 338 s 6 are each amended to  
28 read as follows:

29           There shall be a public printer appointed by the governor with the  
30 advice and consent of the senate, who shall hold office at the pleasure  
31 of the governor and until his or her successor is appointed and  
32 qualified.

33           **Sec. 5147.** RCW 43.78.020 and 1965 c 8 s 43.78.020 are each amended  
34 to read as follows:

1 Before entering upon the duties of his or her office, the public  
2 printer shall execute to the state a bond in the sum of ten thousand  
3 dollars conditioned for the faithful and punctual performance of all  
4 duties and trusts of his or her office.

5 **Sec. 5148.** RCW 43.78.070 and 1979 c 151 s 134 are each amended to  
6 read as follows:

7 The public printer shall use the state printing plant upon the  
8 following conditions, to wit:

9 (1) He or she shall do the public printing, and charge therefor the  
10 fees as provided by law. He or she may print the Washington Reports  
11 for the publishers thereof under a contract approved in writing by the  
12 governor.

13 (2) The gross income of the public printer shall be deposited in an  
14 account designated "state printing plant revolving fund" in  
15 depositories approved by the state treasurer, and shall be disbursed by  
16 the public printer by check and only as follows:

17 First, in payment of the actual cost of labor, material, supplies,  
18 replacements, repairs, water, light, heat, telephone, rent, and all  
19 other expenses necessary in the operation of the plant: PROVIDED, That  
20 no machinery shall be purchased except on written approval of the  
21 governor;

22 Second, in payment of the cost of reasonable insurance upon the  
23 printing plant, payable to the state and of all fidelity bonds required  
24 by law of the public printer;

25 Third, in payment to the public printer of a salary which shall be  
26 fixed by the governor in accordance with the provisions of RCW  
27 43.03.040;

28 Fourth, in remitting the balance to the state treasurer for the  
29 general fund: PROVIDED, That a reasonable sum to be determined by the  
30 governor, the public printer, and the director of financial management  
31 shall be retained in the fund for working capital for the public  
32 printer.

33 **Sec. 5149.** RCW 43.79.074 and 1965 c 8 s 43.79.074 are each amended  
34 to read as follows:

35 From and after the first day of May, 1955, all warrants drawn on  
36 the University of Washington fund and not presented for payment shall

1 be paid from the general fund, and it shall be the duty of the state  
2 treasurer and he or she is hereby directed to pay such warrants when  
3 presented from the general fund.

4 **Sec. 5150.** RCW 43.79.280 and 2005 c 319 s 106 are each amended to  
5 read as follows:

6 (1) If the governor approves such estimate in whole or part, he or  
7 she shall endorse on each copy of the statement his or her approval,  
8 together with a statement of the amount approved in the form of an  
9 allotment amendment, and transmit one copy to the head of the  
10 department, agency, board, or commission authorizing the expenditure.  
11 An identical copy of the governor's statement of approval and a  
12 statement of the amount approved for expenditure shall be transmitted  
13 simultaneously to the joint legislative audit and review committee and  
14 also to the standing committee on ways and means of the house and  
15 senate of all executive approvals of proposals to expend money in  
16 excess of appropriations provided by law.

17 (2) If the governor approves an estimate with transportation  
18 funding implications, in whole or part, he or she shall endorse on each  
19 copy of the statement his or her approval, together with a statement of  
20 the amount approved in the form of an allotment amendment, and transmit  
21 one copy to the head of the department, agency, board, or commission  
22 authorizing the expenditure. An identical copy of the governor's  
23 statement of approval of a proposal to expend transportation money in  
24 excess of appropriations provided by law and a statement of the amount  
25 approved for expenditure must be transmitted simultaneously to the  
26 standing committees on transportation of the house and senate.

27 **Sec. 5151.** RCW 43.79.303 and 1965 c 8 s 43.79.303 are each amended  
28 to read as follows:

29 From and after the first day of May, 1955, all warrants drawn on  
30 the Central College fund and not presented for payment shall be paid  
31 from the general fund, and it shall be the duty of the state treasurer  
32 and he or she is hereby directed to pay such warrants when presented  
33 from the general fund.

34 **Sec. 5152.** RCW 43.79.313 and 1965 c 8 s 43.79.313 are each amended  
35 to read as follows:

1 From and after the first day of May, 1955, all warrants drawn on  
2 the Eastern College fund and not presented for payment shall be paid  
3 from the general fund, and it shall be the duty of the state treasurer  
4 and he or she is hereby directed to pay such warrants when presented  
5 from the general fund.

6 **Sec. 5153.** RCW 43.79.323 and 1965 c 8 s 43.79.323 are each amended  
7 to read as follows:

8 From and after the first day of May, 1955, all warrants drawn on  
9 the Western College fund and not presented for payment shall be paid  
10 from the general fund, and it shall be the duty of the state treasurer  
11 and he or she is hereby directed to pay such warrants when presented  
12 from the general fund.

13 **Sec. 5154.** RCW 43.79.343 and 1965 c 8 s 43.79.343 are each amended  
14 to read as follows:

15 From and after the first day of May, 1955, all warrants drawn on  
16 the general obligation bond retirement fund and not presented for  
17 payment shall be paid from the general fund, and it shall be the duty  
18 of the state treasurer and he or she is hereby directed to pay such  
19 warrants when presented from the general fund.

20 **Sec. 5155.** RCW 43.79.393 and 1965 c 8 s 43.79.393 are each amended  
21 to read as follows:

22 From and after the first day of August, 1957, all warrants drawn on  
23 the United States vocational education account in the general fund and  
24 not presented for payment shall be paid from the general fund, and it  
25 shall be the duty of the state treasurer and he or she is hereby  
26 directed to pay such warrants when presented from the general fund.

27 **Sec. 5156.** RCW 43.79A.020 and 1991 sp.s. c 13 s 81 are each  
28 amended to read as follows:

29 There is created a trust fund outside the state treasury to be  
30 known as the "treasurer's trust fund." All nontreasury trust funds  
31 which are in the custody of the state treasurer on April 10, 1973,  
32 shall be placed in the treasurer's trust fund and be subject to the  
33 terms of this chapter. Funds of the state department of transportation  
34 shall be placed in the treasurer's trust fund only if mutually agreed

1 to by the state treasurer and the department. In order to assure an  
2 orderly transition to a centralized management system, the state  
3 treasurer may place each of such trust funds in the treasurer's trust  
4 fund at such times as he or she deems advisable. Except for department  
5 of transportation trust funds, all such funds shall be incorporated in  
6 the treasurer's trust fund by June 30, 1975. Other funds in the  
7 custody of state officials or state agencies may, upon their request,  
8 be established as accounts in the treasurer's trust fund with the  
9 discretionary concurrence of the state treasurer. All income received  
10 from the treasurer's trust fund investments shall be deposited in the  
11 investment income account pursuant to RCW 43.79A.040.

12 **Sec. 5157.** RCW 43.80.130 and 1969 ex.s. c 80 s 4 are each amended  
13 to read as follows:

14 The fiscal agencies, on the receipt of any moneys transmitted to  
15 them by or for this state, or for any affected subdivision, for the  
16 purpose of paying therewith any of its bonds or coupons by their terms  
17 made payable at the situs of the state of Washington fiscal agencies,  
18 shall transmit forthwith to the sender of such moneys a proper receipt  
19 therefor; pay such bonds or coupons upon presentation thereof for  
20 payment at the office of the fiscal agencies at or after the maturity  
21 thereof, in the order of their presentation insofar as the moneys  
22 received for that purpose suffice therefor; and cancel all such bonds  
23 and coupons upon payment thereof, and thereupon forthwith return the  
24 same to the proper officers of this state or affected subdivisions  
25 which issued them; and, concerning the same, report to the state and/or  
26 affected subdivision within thirty days following a maturity date the  
27 amount of bonds and coupons presented and paid to that date: PROVIDED,  
28 That nothing herein shall prevent the state or any of the subdivisions  
29 thereof from designating its fiscal agencies, or the trustee of any  
30 revenue bond issue, or both, also as its agencies for cremation and to  
31 provide by agreement therewith, that after one year any general or  
32 revenue obligation bonds or interest coupons that have been canceled or  
33 paid, may be destroyed as directed by the proper officers of the state  
34 or other subdivisions hereinbefore mentioned: PROVIDED FURTHER, That  
35 a certificate of destruction giving full descriptive reference to the  
36 instruments destroyed shall be made by the person or persons authorized  
37 to perform such destruction and one copy of the certificate shall be

1 filed with the treasurer of the state or local subdivisions as  
2 applicable. Whenever said treasurer has redeemed any of the bonds or  
3 coupons referred to in this section through his or her local office, or  
4 whenever such redemption has been performed by the trustee of any  
5 revenue bond issue, and the canceled instruments or certificates of  
6 transmittal thereafter have been forwarded to said treasurer for  
7 recording, such canceled instruments may be forwarded to the fiscal  
8 agents designated as agents for cremation for destruction pursuant to  
9 any agreements therefor, or said treasurer may, notwithstanding any  
10 provision of state statute to the contrary, (~~himself~~) destroy such  
11 canceled instruments in the presence of the public officers or boards  
12 or their authorized representatives, which by law perform the auditing  
13 functions within the state or such political subdivisions as  
14 hereinbefore specified: PROVIDED, That he or she and the said auditing  
15 officers or boards shall execute a certificate of destruction, giving  
16 full descriptive reference to the instruments destroyed, which  
17 certificates shall be filed with those of the agencies for cremation  
18 herein designated. No certificate required by this section shall be  
19 destroyed until all of the bonds and coupons of the issue or series  
20 described thereon shall have matured and been paid or canceled.

21 **Sec. 5158.** RCW 43.82.140 and 1965 c 8 s 43.82.140 are each amended  
22 to read as follows:

23 The director may, in his or her discretion, obtain fire or other  
24 hazard insurance on any building under his or her management.

25 **Sec. 5159.** RCW 43.83B.220 and 1989 c 11 s 17 are each amended to  
26 read as follows:

27 In addition to the powers granted by RCW 43.83B.210, the director  
28 of the department of ecology or his or her designee is authorized to  
29 make contractual agreements in accordance with provisions of this  
30 chapter on behalf of the state of Washington. Contractual agreements  
31 shall include provisions to secure such loans, and shall assure the  
32 proper and timely payment of said loans or loan portions of combination  
33 loans and grants.

34 **Sec. 5160.** RCW 43.84.041 and 1965 ex.s. c 104 s 4 are each amended  
35 to read as follows:

1 All securities purchased or held on behalf of said funds, shall be  
2 held and disbursed through the state treasury and shall be in the  
3 physical custody of the state treasurer, who may deposit with the  
4 fiscal agent of the state, or with a state depository, such of said  
5 securities as he or\_she shall consider advisable to be held in  
6 safekeeping by said agent or bank for collection of principal and  
7 interest, or of the proceeds of sale thereof.

8 **Sec. 5161.** RCW 43.84.120 and 1971 ex.s. c 88 s 4 are each amended  
9 to read as follows:

10 Whenever there is in any fund or in cash balances in the state  
11 treasury more than sufficient to meet the current expenditures properly  
12 payable therefrom, and over and above the amount belonging to the  
13 permanent school fund as shown by the separation made by the state  
14 treasurer, the state treasurer may invest such portion of such funds or  
15 balances over and above that belonging to the permanent school fund in  
16 registered warrants of the state of Washington at such times and in  
17 such amounts, and may sell them at such times, as he or\_she deems  
18 advisable: PROVIDED, That those funds having statutory authority to  
19 make investments are excluded from the provisions of RCW 43.84.120.

20 Upon such investment being made, the state treasurer shall pay into  
21 the appropriate fund the amount so invested, and the warrants so  
22 purchased shall be deposited with the state treasurer, who shall  
23 collect all interest and principal payments falling due thereon and  
24 allocate the same to the proper fund or funds.

25 **Sec. 5162.** RCW 43.85.070 and 1969 ex.s. c 193 s 18 are each  
26 amended to read as follows:

27 The state treasurer may deposit with any qualified public  
28 depository which has fully complied with all requirements of law and  
29 the regulations of the public deposit protection commission any state  
30 moneys in his or\_her hands or under his or\_her official control and any  
31 sum so on deposit shall be deemed to be in the state treasury, and he  
32 or\_she shall not be liable for any loss thereof resulting from the  
33 failure or default of any such depository without fault or neglect on  
34 his or\_her part or on the part of his or\_her assistants or clerks.



1       **Sec. 5167.** RCW 43.101.040 and 1974 ex.s. c 94 s 4 are each amended  
2 to read as follows:

3       All members appointed to the commission by the governor shall be  
4 appointed for terms of six years, such terms to commence on July first,  
5 and expire on June thirtieth: PROVIDED, That of the members first  
6 appointed three shall be appointed for two year terms, three shall be  
7 appointed for four year terms, and three shall be appointed for six  
8 year terms: PROVIDED, FURTHER, That the terms of the two members  
9 appointed as incumbent police chiefs shall not expire in the same year  
10 nor shall the terms of the two members appointed as representing  
11 correctional systems expire in the same year nor shall the terms of the  
12 two members appointed as incumbent sheriffs expire in the same year.  
13 Any member chosen to fill a vacancy created otherwise than by  
14 expiration of term shall be appointed for the unexpired term of the  
15 member he or she is to succeed. Any member may be reappointed for  
16 additional terms.

17       **Sec. 5168.** RCW 43.101.050 and 1974 ex.s. c 94 s 5 are each amended  
18 to read as follows:

19       Any member of the commission appointed pursuant to RCW 43.101.030  
20 as an incumbent official or as an employee in a correctional system, as  
21 the case may be, shall immediately upon the termination of his or her  
22 holding of said office or employment, cease to be a member of the  
23 commission.

24       **Sec. 5169.** RCW 43.101.070 and 1984 c 287 s 85 are each amended to  
25 read as follows:

26       Members of the commission shall be compensated in accordance with  
27 RCW 43.03.240 and shall be reimbursed for their travel expenses  
28 incurred in the performance of their duties in accordance with RCW  
29 43.03.050 and 43.03.060. Attendance at meetings of the commission  
30 shall be deemed performance by a member of the duties of his or her  
31 employment.

32       **Sec. 5170.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to  
33 read as follows:

34       The commission shall have the following powers and duties:

35       (1) Elect one of its members to serve as (~~chairman~~) chair;

- 1 (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- 2 (3) Examine and define issues pertaining to the rights and needs of  
3 Hispanics, and make recommendations to the governor and state agencies  
4 for changes in programs and laws;
- 5 (4) Advise the governor and state agencies on the development and  
6 implementation of policies, plans, and programs that relate to the  
7 special needs of Hispanics;
- 8 (5) Advise the legislature on issues of concern to the Hispanic  
9 community;
- 10 (6) Establish relationships with state agencies, local governments,  
11 and private sector organizations that promote equal opportunity and  
12 benefits for Hispanics; and
- 13 (7) Receive gifts, grants, and endowments from public or private  
14 sources that are made for the use or benefit of the commission and  
15 expend, without appropriation, the same or any income from the gifts,  
16 grants, or endowments according to their terms.

17 **Sec. 5171.** RCW 43.117.040 and 1982 c 68 s 1 are each amended to  
18 read as follows:

19 (1) The commission shall consist of twelve members appointed by the  
20 governor. In making such appointments, the governor shall give due  
21 consideration to recommendations submitted to him or her by the  
22 commission. The governor may also consider nominations of members made  
23 by the various Asian-American organizations in the state. The governor  
24 shall consider nominations for membership based upon maintaining a  
25 balanced distribution of Asian-ethnic, geographic, sex, age, and  
26 occupational representation, where practicable.

27 (2) Appointments shall be for three years except in case of a  
28 vacancy, in which event appointment shall be only for the remainder of  
29 the unexpired term for which the vacancy occurs. Vacancies shall be  
30 filled in the same manner as the original appointments.

31 (3) Members shall receive reimbursement for travel expenses  
32 incurred in the performance of their duties in accordance with RCW  
33 43.03.050 and 43.03.060 as now existing or hereafter amended.

34 (4) Seven members shall constitute a quorum for the purpose of  
35 conducting business.

36 (5) The governor shall appoint an executive director based upon  
37 recommendations made by the council.

1       **Sec. 5172.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each  
2 amended to read as follows:

3       The commission shall:

4       (1) Elect one of its members to serve as (~~(chairman)~~) chair; and  
5 also such other officers as necessary to form an executive committee;

6       (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;

7       (3) Meet at the call of the (~~(chairman)~~) chair or the call of a  
8 majority of its members, but in no case less often than once during any  
9 three month period;

10       (4) Be authorized to appoint such citizen task force as it deems  
11 appropriate.

12       **Sec. 5173.** RCW 43.117.090 and 1974 ex.s. c 140 s 9 are each  
13 amended to read as follows:

14       (1) The commission may for the purpose of carrying out the purposes  
15 of this chapter hold such public hearings, sit and act at such times  
16 and places, take such testimony, and receive such evidence, as the  
17 commission may deem advisable. The commission may administer oaths or  
18 affirmations to witnesses appearing before it. At least five members  
19 of the commission must be present to conduct a hearing.

20       (2) The commission may secure directly from any department or  
21 agency of the state information necessary to enable it to carry out the  
22 purposes of this chapter. Upon request of the (~~(chairman)~~) chair of  
23 the commission, the head of such department or agency shall furnish  
24 such information to the commission.

25       **Sec. 5174.** RCW 43.126.025 and 1983 c 273 s 2 are each amended to  
26 read as follows:

27       There is hereby created a Washington state board on geographic  
28 names composed of:

29       (1) The state librarian or a representative;

30       (2) The commissioner of public lands or a representative;

31       (3) The (~~(chairperson)~~) chair of the Washington state heritage  
32 council created by 1983 law; and

33       (4) Four members from the general public to be appointed by the  
34 commissioner of public lands.

35       The commissioner of public lands or his or her representative shall  
36 be (~~(chairman)~~) chair of the board.

1 The members of the initial board to be appointed by the  
2 commissioner shall be appointed as follows: One member for a one-year  
3 term, one member for a two-year term, one member for a three-year term,  
4 and one member for a four-year term. Thereafter, each member shall be  
5 appointed for a three-year term. Each member of the board shall  
6 continue in office until a successor is appointed.

7 **Sec. 5175.** RCW 43.126.065 and 1983 c 273 s 6 are each amended to  
8 read as follows:

9 (1) The board shall hold at least two meetings each year, and shall  
10 hold special meetings as called by the ((~~chairman~~)) chair or a majority  
11 of the board.

12 (2) All meetings shall be open to the public.

13 (3) Notice of all board meetings shall be as provided in RCW  
14 42.30.080. This notice includes those names to be considered by the  
15 board and those names to be adopted by the board.

16 (4) Four board members shall constitute a quorum.

17 (5) The board shall establish rules for the conduct of its affairs  
18 and to carry out the purposes of this chapter.

19 (6) The department of natural resources shall furnish secretarial  
20 and administrative services and shall serve as custodian of the  
21 records.

22 (7) All geographic names adopted by the board shall be published in  
23 the Washington State Register.

24 **Sec. 5176.** RCW 43.130.040 and 1973 2nd ex.s. c 37 s 4 are each  
25 amended to read as follows:

26 In order to carry out the purposes of this chapter, the state shall  
27 take every reasonable step at its disposal to provide alternative  
28 employment and to minimize the economic loss of state employees  
29 affected by the closure of state facilities. Affected state employees  
30 shall be paid benefits as specified in this section.

31 (1) Relocation expenses covering the movement of household goods,  
32 incurred by the necessity of an employee moving his or her domicile to  
33 be within reasonable commuting distance of a new job site, shall be  
34 paid by the state to employees transferring to other state employment  
35 by reason of the closure of a facility.

1 (2) Relocation leave shall be allowed up to five working days'  
2 leave with pay for the purpose of locating new residence in the area of  
3 employment.

4 (3) The state shall reimburse the transferring employee to the  
5 extent of any unavoidable financial loss suffered by an employee who  
6 sells his or her home at a price less than the true and fair market  
7 value as determined by the county assessor not exceeding three thousand  
8 dollars: PROVIDED, That this right of reimbursement must be exercised,  
9 and sale of the property must be accomplished, within a period of two  
10 years from the date other state employment is accepted.

11 (4) For employees in facilities which have been terminated who do  
12 not choose to participate in the transfer program set forth in the  
13 preceding subsections, the following terminal pay plan shall be  
14 available:

15 (a) For qualifying employees, for each one year of continuous state  
16 service, one week (five working days) of regular compensation shall be  
17 provided.

18 (b) Regular compensation as used in subsection (a) hereof shall  
19 include salary compensation at the rate being paid to the employees at  
20 the time operation of the facility is terminated.

21 (c) Terminal pay as set forth in subsections (a) and (b) hereof  
22 shall be paid to the employee at the termination of the employees last  
23 month of employment or within thirty days after the effective date of  
24 this 1973 act, whichever is later: PROVIDED, That from the total  
25 amount of terminal pay, the average sum of unemployment compensation  
26 that the qualifying employee is eligible to receive multiplied by the  
27 total number of weeks of terminal pay minus one week shall be deducted.

28 (d) Those employees electing the early retirement benefits as  
29 stated in subsection (5) of this section shall not be eligible for the  
30 terminal pay provisions as set forth in this subsection.

31 (e) Those employees who are reemployed by the state during the  
32 period they are receiving terminal pay pursuant to subsections (a), (b)  
33 and (c) of this section shall reimburse the state for that portion of  
34 the terminal pay covered by the period of new employment.

35 (5) As an option to transferring to other state employment an  
36 employee may elect early retirement under the following conditions:

37 (a) Notwithstanding the age requirements of RCW 41.40.180, any  
38 affected employee under this chapter who has attained the age of fifty-

1 five years, with at least five years creditable service, shall be  
2 immediately eligible to retire, with no actuarial reduction in the  
3 amount of his or her pension benefit.

4 (b) Notwithstanding the age requirements of RCW 41.40.180, any  
5 affected employee under this chapter who has attained the age of forty-  
6 five years, with at least five years creditable service, shall be  
7 immediately eligible to retire with an actuarial reduction in the  
8 amount of his or her pension benefit of three percent for each complete  
9 year that such employee is under fifty-five years of age.

10 (c) Employees who elect to retire pursuant to RCW 41.40.180 shall  
11 be eligible to retire while on authorized leave of absence not in  
12 excess of one hundred and twenty days.

13 (d) Employees who elect to retire under the provisions of this  
14 section shall not be eligible for any retirement benefit in a year  
15 following a year in which their employment income was in excess of six  
16 thousand dollars. This six thousand dollars base shall be adjusted  
17 annually beginning in 1974 by such cost of living adjustments as are  
18 applied by the public employees' retirement system to membership  
19 retirement benefits. The public employees retirement system board  
20 shall adopt necessary rules and regulations to implement the provisions  
21 of this subsection.

22 **Sec. 5177.** RCW 43.130.050 and 1973 2nd ex.s. c 37 s 5 are each  
23 amended to read as follows:

24 (~~(1)~~) Notwithstanding any other provision of this chapter  
25 employees affected by the closure of a state facility as defined in RCW  
26 43.130.020(2) who were employed as of May 1, 1973 at such facility, and  
27 who are still in employment of the state or on an official leave of  
28 absence as of September 26, 1973, who would otherwise qualify for the  
29 enumerated benefits of this chapter are hereby declared eligible for  
30 such benefits under the following conditions:

31 (~~(a)~~) (1) Such employee must be actively employed by the state of  
32 Washington or on an official leave of absence on September 26, 1973,  
33 and unless the early retirement or terminal pay provisions of this  
34 chapter are elected, continue to be employed or to be available for  
35 employment in a same or like job classification at not less than one  
36 full range lower than the same salary range for a period of at least  
37 thirty days thereafter;

1        (~~(b)~~) (2) Such employee must give written notice of his or her  
2 election to avail himself or herself of such benefits within thirty  
3 days after the passage of this 1973 act or upon closure of the  
4 institution, whichever is later.

5        **Sec. 5178.** RCW 43.336.020 and 2007 c 228 s 102 are each amended to  
6 read as follows:

7        (1) The Washington tourism commission is created.

8        (2) The commission shall be cochaired by the director of the  
9 department or the director's designee, and by an industry-member  
10 representative who is elected by the commission members.

11        (3) The commission shall have nineteen members. In appointing  
12 members, the governor shall endeavor to balance the geographic and  
13 demographic composition of the commission to include members with  
14 special expertise from tourism organizations, local jurisdictions, and  
15 small businesses directly engaged in tourism-related activities.  
16 Before making appointments to the Washington tourism commission, the  
17 governor shall consider nominations from recognized organizations that  
18 represent the entities or interests identified in this section.  
19 Commission members shall be appointed by the governor as follows:

20        (a) Three members to represent the lodging industry, at least two  
21 of which shall be chosen from a list of three nominees per position  
22 submitted by the state's largest lodging industry trade association.  
23 Members should represent all property categories and different regions  
24 of the state;

25        (b) Three representatives from nonprofit destination marketing  
26 organizations or visitor and convention bureaus;

27        (c) Three industry representatives from the arts, entertainment,  
28 attractions, or recreation industry;

29        (d) Four private industry representatives, two from each of the  
30 business categories in this subsection:

31        (i) The food, beverage, and wine industries; and

32        (ii) The travel and transportation industries;

33        (e) Four legislative members, one from each major caucus of the  
34 senate, designated by the president of the senate, and one from each  
35 major caucus of the house of representatives, designated by the speaker  
36 of the house of representatives;

1 (f) The (~~chairman~~) chair of the Washington convention and trade  
2 center; and

3 (g) The director or the director's designee.

4 (4)(a) Terms of nonlegislative members shall be three years, except  
5 that initial terms shall be staggered such that terms of one-third of  
6 the initial members shall expire each year.

7 (b) Terms of legislative members shall be two years.

8 (c) Vacancies shall be appointed in the same manner as the original  
9 appointment.

10 (d) A member appointed by the governor may not be absent from more  
11 than fifty percent of the regularly scheduled meetings in any one  
12 calendar year. Any member who exceeds this absence limitation is  
13 deemed to have withdrawn from the office and may be replaced by the  
14 governor.

15 (5) Members shall be reimbursed for travel expenses as provided in  
16 RCW 43.03.050 and 43.03.060.

17 (6) The commission shall meet at least four times per year, but may  
18 meet more frequently as necessary.

19 (7) A majority of members currently appointed constitutes a quorum.

20 (8) Staff support shall be provided by the department, and staff  
21 shall report to the executive director.

22 (9) The director, in consultation with the commission, shall  
23 appoint an executive director.

24 (10) The commission may adopt rules under chapter 34.05 RCW as  
25 necessary to carry out the purposes of this chapter.

26 **PART VI**

27 **Sec. 6001.** RCW 44.04.100 and 1927 c 205 s 1 are each amended to  
28 read as follows:

29 Any person desiring to contest the election of any member of the  
30 legislature, may, at any time after the presumptive election of such  
31 member and before the convening of the ensuing regular session of the  
32 legislature, have the testimony of witnesses, to be used in support of  
33 such contest, taken and perpetuated, by serving not less than three  
34 days' written notice upon the member whose election he or she desires  
35 to contest, of his or her intention to institute such contest and that  
36 he or she desires to take the testimony of certain witnesses named in

1 such notice, at a time and place named therein, before a notary public  
2 duly commissioned and qualified and residing in the county where the  
3 presumptive member resides, giving the name of such notary public,  
4 which deposition shall be taken in the manner provided by law for the  
5 taking of depositions in civil actions in the superior court. The  
6 presumptive member of the legislature, whose election is to be  
7 contested, shall have the right to appear, in person or by counsel, at  
8 the time and place named in the notice, and cross examine any witness  
9 produced and have such cross examination made a part of such  
10 deposition, and to produce witnesses and have their depositions taken  
11 for the purpose of sustaining his or her election. The notary public  
12 before whom such deposition is taken shall transmit such depositions to  
13 the presiding officer of the senate, or house of representatives, as  
14 the case may be, in which said contest is to be instituted, in the care  
15 of the secretary of state, at the state capitol, by registered mail,  
16 and it shall be the duty of the secretary of state upon the convening  
17 of the legislature to transmit said depositions, unopened, to the  
18 presiding officer of the senate, or the house of representatives, as  
19 the case may be, to whom it is addressed, and in case such contest is  
20 instituted said depositions may be opened and read in evidence in the  
21 manner provided by law for the opening and introduction of depositions  
22 in civil actions in the superior court.

23 **Sec. 6002.** RCW 44.04.120 and 1985 c 3 s 1 are each amended to read  
24 as follows:

25 Each member of the senate or house of representatives when serving  
26 on official legislative business shall be entitled to receive, in lieu  
27 of per diem or any other payment, for each day or major portion thereof  
28 in which he or she is actually engaged in legislative business or  
29 business of the committee, commission, or council, notwithstanding any  
30 laws to the contrary, an allowance in an amount fixed by the secretary  
31 of the senate and chief clerk of the house, respectively, in accordance  
32 with applicable rules and resolutions of each body. Such allowance  
33 shall be reasonably calculated to reimburse expenses, exclusive of  
34 mileage, which are ordinary and necessary in the conduct of legislative  
35 business, recognizing cost variances which are encountered in different  
36 locales. The allowance authorized shall not exceed the greater of  
37 forty-four dollars per day or the maximum daily amount determined under

1 RCW 43.03.050, as now or hereafter amended. In addition, a mileage  
2 allowance shall be paid at the rate per mile provided for in RCW  
3 43.03.060, as now or hereafter amended, when authorized by the house,  
4 committee, commission, or council of which he or she is a member and on  
5 the business of which he or she is engaged.

6 **Sec. 6003.** RCW 44.16.010 and 1895 c 6 s 1 are each amended to read  
7 as follows:

8 Every ((~~chairman~~)) chair or presiding member of any committee of  
9 either the senate or house of representatives, or any joint committee  
10 of the senate or house of representatives, which, by the terms of its  
11 appointment, shall be authorized to send for persons and papers, shall  
12 have power, under the direction of such committee, to issue compulsory  
13 process for the attendance of any witness within the state whom the  
14 committee may wish to examine.

15 **Sec. 6004.** RCW 44.16.030 and 1895 c 6 s 2 are each amended to read  
16 as follows:

17 The ((~~chairman~~)) chair or presiding member of any committee of  
18 either the senate, house of representatives, or any joint committee  
19 thereof, shall be authorized to administer oaths to all witnesses  
20 coming before such committee for examination; and all witnesses who  
21 shall testify in any proceeding provided for in this chapter, shall be  
22 under oath or affirmation.

23 **Sec. 6005.** RCW 44.16.040 and 1895 c 6 s 3 are each amended to read  
24 as follows:

25 Every such ((~~chairman~~)) chair or presiding member shall also have  
26 power, under the direction of the committee, to issue a commission for  
27 the examination of any witness who shall be without the jurisdiction of  
28 the state, or if within the state, shall be unable to attend, or who  
29 shall, for any reasons, be excused by the committee from attendance.

30 **Sec. 6006.** RCW 44.16.070 and 1895 c 6 s 6 are each amended to read  
31 as follows:

32 The person to whom such commission shall be directed, if he or she  
33 reside within the state and accept the trust, shall, before entering  
34 upon the execution of his or her duties, take the oath of office

1 prescribed in the Constitution. Such commissioner shall have power to  
2 issue process to compel the attendance of witnesses, whom he or she  
3 shall be required to examine, and shall have power to administer oaths  
4 to such witnesses.

5 **Sec. 6007.** RCW 44.16.080 and 1895 c 6 s 7 are each amended to read  
6 as follows:

7 Unless otherwise directed by the committee, it shall in all cases  
8 be the duty of the commissioner to examine, in private, every witness  
9 attending before him or her, and not to make public the particulars of  
10 such examination, when so made in private, until the same shall be made  
11 public by order of the house or legislature appointing the committee.

12 **Sec. 6008.** RCW 44.16.090 and 1895 c 6 s 8 are each amended to read  
13 as follows:

14 Every witness so attending shall be examined on oath or  
15 affirmation, and his or her testimony shall be reduced to writing by  
16 the commissioner, or by some disinterested person in his or her  
17 presence and under the direction of said commissioner, and signed by  
18 the witness.

19 **Sec. 6009.** RCW 44.16.100 and 1895 c 6 s 9 are each amended to read  
20 as follows:

21 When a commission shall have been duly executed, the commissioner  
22 shall annex thereto the depositions of the witnesses, duly certified by  
23 him or her, and shall, without delay, transmit the same by mail,  
24 inclosed and under seal, or deliver the same, to the (~~chairman~~) chair  
25 of the committee by which the commission shall have been issued, or to  
26 such person as by the committee directed.

27 **Sec. 6010.** RCW 44.16.120 and 1897 c 33 s 1 are each amended to  
28 read as follows:

29 Any person who shall fail to attend as a witness upon any committee  
30 appointed by either the house or senate of the state of Washington, or  
31 both, after having been duly subpoenaed as provided in this chapter, or  
32 who, being in attendance as a witness before such committee, shall  
33 refuse to answer any question or produce any paper or document or book  
34 which he or she is required to answer or to produce by such committee,

1 shall be deemed guilty of a misdemeanor, and upon conviction thereof  
2 shall be fined in any sum not exceeding five hundred dollars, or by  
3 imprisonment in the county jail for a term not longer than six months,  
4 or by both such fine and imprisonment.

5 **Sec. 6011.** RCW 44.16.140 and 1895 c 6 s 12 are each amended to  
6 read as follows:

7 A person who, being present before either house of the legislature,  
8 or any committee or joint committee thereof, or commissioner authorized  
9 to summon witnesses, wilfully refuses to be sworn or affirmed, or to  
10 answer any material and proper question, or to produce, upon reasonable  
11 notice, any material and proper books, papers or documents in his or  
12 her possession or under his or her control, shall be punished as for  
13 contempt, as hereinafter provided.

14 **Sec. 6012.** RCW 44.16.160 and 1895 c 6 s 14 are each amended to  
15 read as follows:

16 If any fine is imposed against any person for contempt, as  
17 hereinbefore provided, he or she shall stand committed to the county  
18 jail of the county in which the offense was committed until such fine  
19 is paid. The presiding officer of the house, fixing the fine, shall  
20 issue a warrant to the sheriff of the county where the offense was  
21 committed, commanding him or her to imprison such person in the county  
22 jail until such fine is paid, or until he or she has been imprisoned in  
23 such jail one day for every three dollars of such fine.

24 **Sec. 6013.** RCW 44.16.170 and 1895 c 6 s 16 are each amended to  
25 read as follows:

26 Every such committee shall keep a record of its proceedings under  
27 the provisions of this chapter, which record shall be signed by the  
28 ((~~chairman~~)) chair or presiding officer of the committee, and the same  
29 returned to the legislative body by which the committee was appointed,  
30 as a part of the report of such committee.

31 **Sec. 6014.** RCW 44.20.060 and 1969 c 6 s 5 are each amended to read  
32 as follows:

33 In arranging the laws, memorials and resolutions for publication,  
34 the code reviser is hereby authorized to make such corrections in the

1 orthography, clerical errors and punctuation of the same as in his or  
2 her judgment shall be deemed essential: PROVIDED, That when any words  
3 or clauses shall be inserted, the same shall be inclosed in brackets;  
4 and no correction shall be made which changes the intent or meaning of  
5 any sentence, section or act of the legislature.

6 **Sec. 6015.** RCW 44.39.050 and 1979 c 151 s 156 are each amended to  
7 read as follows:

8 All expenses incurred by the committee, including salaries and  
9 expenses of employees, shall be paid upon voucher forms as provided by  
10 the director of financial management and signed by the ((~~chairman~~))  
11 chair of the committee. Vouchers may be drawn upon funds appropriated  
12 generally by the legislature for legislative expenses or upon any  
13 special appropriation which may be provided by the legislature for the  
14 expenses of the committee.

15 **Sec. 6016.** RCW 44.39.060 and 1977 ex.s. c 328 s 17 are each  
16 amended to read as follows:

17 In the discharge of any duty imposed by this chapter, the committee  
18 or any personnel acting under its direction shall have the authority to  
19 examine and inspect all properties, equipment, facilities, files,  
20 records, and accounts of any state office, department, institution,  
21 board, committee, commission, or agency; to administer oaths; and to  
22 issue subpoenas, upon approval of a majority of the members of the  
23 house or senate rules committee, to compel the attendance of witnesses  
24 and the production of any papers, books, accounts, documents, and  
25 testimony, and to cause the deposition of witnesses, either residing  
26 within or without the state, to be taken in the manner prescribed by  
27 law for taking depositions in civil actions in the superior courts.

28 In case of the failure of any person to comply with any subpoena  
29 issued in behalf of the committee, or on the refusal of any witness to  
30 testify to any matters regarding which he or\_she may be lawfully  
31 interrogated, it shall be the duty of the superior court of any county,  
32 or of the judge thereof, on application of the committee, to compel  
33 obedience by proceedings for contempt, as in the case of disobedience  
34 of the requirements of a subpoena issued from such court or a refusal  
35 to testify therein.

1 Each witness who appears before the committee by its order, other  
2 than a state official or employee, shall receive for his attendance the  
3 fees and mileage provided for witnesses in civil cases in courts of  
4 record, which shall be audited and paid upon the presentation of proper  
5 vouchers signed by such witness and approved by the ((~~chairman~~)) chair  
6 of the committee.

7 **Sec. 6017.** RCW 44.48.050 and 2001 c 259 s 13 are each amended to  
8 read as follows:

9 Subject to RCW 44.04.260, all expenses incurred by the committee,  
10 including salaries and expenses of employees, shall be paid upon  
11 voucher forms as provided by the administrator and signed by the  
12 ((~~chairman~~)) chair or vice ((~~chairman~~)) chair of the committee and  
13 attested by the secretary of said committee, and the authority of said  
14 ((~~chairman~~)) chair and secretary to sign vouchers shall continue until  
15 their successors are selected after each ensuing session of the  
16 legislature. Vouchers may be drawn on funds appropriated by law for  
17 the committee: PROVIDED, That the senate and the house may authorize  
18 the committee to draw on funds appropriated by the legislature for  
19 legislative expenses.

20 **Sec. 6018.** RCW 44.48.060 and 1977 ex.s. c 373 s 6 are each amended  
21 to read as follows:

22 The committee shall have the power and duty to appoint its own  
23 ((~~chairman~~)) chair, vice ((~~chairman~~)) chair, and other officers; and to  
24 make rules for orderly procedure.

25 **Sec. 6019.** RCW 44.48.110 and 1977 ex.s. c 373 s 11 are each  
26 amended to read as follows:

27 Each person who appears before the committee, other than a state  
28 official or employee, may upon request receive for attendance the fees  
29 and mileage provided for witnesses in civil cases in courts of record  
30 in accordance with the provisions of RCW 2.40.010, which shall be  
31 audited and paid upon the presentation of proper vouchers signed by  
32 such person and approved by the secretary and ((~~chairman~~)) chair of the  
33 committee.

PART VII

**Sec. 7001.** RCW 48.02.010 and 1947 c 79 s .02.01 are each amended to read as follows:

(1) There shall be an insurance commissioner of this state who shall be elected at the time and in the manner that other state officers are elected.

(2) The commissioner in office at the effective date of this code shall continue in office for the remainder of the term for which he or she was elected and until his or her successor is duly elected and qualified.

(3) "Commissioner," where used in this code, means the insurance commissioner of this state.

**Sec. 7002.** RCW 48.02.020 and 1947 c 79 s .02.02 are each amended to read as follows:

The term of office of the commissioner shall be four years, commencing on the Wednesday after the second Monday in January after his or her election.

**Sec. 7003.** RCW 48.02.030 and 1947 c 79 s .02.03 are each amended to read as follows:

Before entering upon his or her duties the commissioner shall execute a bond to the state in the sum of twenty-five thousand dollars, to be approved by the state treasurer and the attorney general, conditioned upon the faithful performance of the duties of his or her office.

**\*Sec. 7004.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

*(1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this code.*

*(2) The commissioner shall execute his duties and shall enforce the provisions of this code.*

*(3) The commissioner may:*

*(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. No such rules and regulations shall*

1 *be effective prior to their being filed for public inspection in the*  
2 *commissioner's office.*

3 *(b) Conduct investigations to determine whether any person has*  
4 *violated any provision of this code.*

5 *(c) Conduct examinations, investigations, hearings, in addition to*  
6 *those specifically provided for, useful and proper for the efficient*  
7 *administration of any provision of this code.*

*\*Sec. 7004 was vetoed. See message at end of chapter.*

8 **Sec. 7005.** RCW 48.02.080 and 1967 c 150 s 1 are each amended to  
9 read as follows:

10 (1) The commissioner may prosecute an action in any court of  
11 competent jurisdiction to enforce any order made by him or her pursuant  
12 to any provision of this code.

13 (2) If the commissioner has cause to believe that any person has  
14 violated any penal provision of this code or of other laws relating to  
15 insurance he or she shall certify the facts of the violation to the  
16 public prosecutor of the jurisdiction in which the offense was  
17 committed.

18 (3) If the commissioner has cause to believe that any person is  
19 violating or is about to violate any provision of this code or any  
20 regulation or order of the commissioner, he or she may:

21 (a) issue a cease and desist order; and/or

22 (b) bring an action in any court of competent jurisdiction to  
23 enjoin the person from continuing the violation or doing any action in  
24 furtherance thereof.

25 (4) The attorney general and the several prosecuting attorneys  
26 throughout the state shall prosecute or defend all proceedings brought  
27 pursuant to the provisions of this code when requested by the  
28 commissioner.

29 **Sec. 7006.** RCW 48.02.090 and 1949 c 190 s 1 are each amended to  
30 read as follows:

31 (1) The commissioner may appoint a chief deputy commissioner, who  
32 shall have power to perform any act or duty conferred upon the  
33 commissioner. The chief deputy commissioner shall take and subscribe  
34 the same oath of office as the commissioner, which oath shall be  
35 endorsed upon the certificate of his or her appointment and filed in  
36 the office of the secretary of state.

1 (2) The commissioner may appoint additional deputy commissioners  
2 for such purposes as he or she may designate.

3 (3) The commissioner shall be responsible for the official acts of  
4 his or her deputies, and may revoke at will the appointment of any  
5 deputy.

6 (4) The commissioner may employ examiners, and such actuarial,  
7 technical, and administrative assistants and clerks as he or she may  
8 need for proper discharge of his or her duties.

9 (5) The commissioner, or any deputy or employee of the  
10 commissioner, shall not be interested, directly or indirectly, in any  
11 insurer except as a policyholder; except, that as to such matters  
12 wherein a conflict of interests does not exist on the part of any such  
13 person, the commissioner may employ insurance actuaries or other  
14 technicians who are independently practicing their professions even  
15 though such persons are similarly employed by insurers.

16 (6) The commissioner may require any deputy or employee to be  
17 bonded as he or she shall deem proper but not to exceed in amount the  
18 sum of twenty-five thousand dollars. The cost of any such bond shall  
19 be borne by the state.

20 **Sec. 7007.** RCW 48.02.100 and 1947 c 79 s .02.10 are each amended  
21 to read as follows:

22 Any power or duty vested in the commissioner by any provision of  
23 this code may be exercised or discharged by any deputy, assistant,  
24 examiner, or employee of the commissioner acting in his or her name and  
25 by his or her authority.

26 **Sec. 7008.** RCW 48.02.110 and 1947 c 79 s .02.11 are each amended  
27 to read as follows:

28 The commissioner shall have an office at the state capital, and may  
29 maintain such offices elsewhere in this state as he or she may deem  
30 necessary.

31 **Sec. 7009.** RCW 48.02.130 and 1947 c 79 s .02.13 are each amended  
32 to read as follows:

33 (1) Any certificate or license issued by the commissioner shall  
34 bear the seal of his or her office.

1 (2) Copies of records or documents in his or her office certified  
2 to by the commissioner shall be received as evidence in all courts in  
3 the same manner and to the same effect as if they were the originals.

4 (3) When required for evidence in court, the commissioner shall  
5 furnish his or her certificate as to the authority of an insurer or  
6 other licensee in this state on any particular date, and the court  
7 shall receive the certificate in lieu of the commissioner's testimony.

8 **Sec. 7010.** RCW 48.02.140 and 1947 c 79 s .02.14 are each amended  
9 to read as follows:

10 (1) The commissioner shall to the extent he or she deems useful for  
11 the proper discharge of his or her responsibilities under the  
12 provisions of this code:

13 (a) Consult and cooperate with the public officials having  
14 supervision over insurance in other states.

15 (b) Share jointly with other states in the employment of actuaries,  
16 statisticians, and other insurance technicians whose services or the  
17 products thereof are made available and are useful to the participating  
18 states and to the commissioner.

19 (c) Share jointly with other states in establishing and maintaining  
20 offices and clerical facilities for purposes useful to the  
21 participating states and to the commissioner.

22 (2) All arrangements made jointly with other states under items (b)  
23 and (c) of subsection (1) of this section shall be in writing executed  
24 on behalf of this state by the commissioner. Any such arrangement, as  
25 to participation of this state therein, shall be subject to termination  
26 by the commissioner at any time upon reasonable notice.

27 (3) For the purposes of this code "National Association of  
28 Insurance Commissioners" means that voluntary organization of the  
29 public officials having supervision of insurance in the respective  
30 states, districts, and territories of the United States, whatever other  
31 name such organization may hereafter adopt, and in the affairs of which  
32 each of such public officials is entitled to participate subject to the  
33 constitution and bylaws of such organization.

34 **Sec. 7011.** RCW 48.02.150 and 1947 c 79 s .02.15 are each amended  
35 to read as follows:

1 The commissioner shall purchase at the expense of the state and in  
2 the manner provided by law:

3 (1) Printing, books, reports, furniture, equipment, and supplies as  
4 he or she deems necessary to the proper discharge of his or her duties  
5 under this code.

6 (2) "Convention form" insurers' annual statement blanks, which he  
7 or she may purchase from any printer manufacturing the forms for the  
8 various states.

9 **Sec. 7012.** RCW 48.02.170 and 1987 c 505 s 53 are each amended to  
10 read as follows:

11 The commissioner shall, as soon as accurate preparation enables,  
12 prepare a report of his or her official transactions during the  
13 preceding fiscal year, containing information relative to insurance as  
14 the commissioner deems proper.

15 **Sec. 7013.** RCW 48.03.030 and 1947 c 79 s .03.03 are each amended  
16 to read as follows:

17 (1) Every person being examined, its officers, employees, and  
18 representatives shall produce and make freely accessible to the  
19 commissioner the accounts, records, documents, and files in his or her  
20 possession or control relating to the subject of the examination, and  
21 shall otherwise facilitate the examination.

22 (2) If the commissioner finds the accounts to be inadequate, or  
23 improperly kept or posted, he or she may employ experts to rewrite,  
24 post or balance them at the expense of the person being examined.

25 **Sec. 7014.** RCW 48.04.030 and 1947 c 79 s .04.03 are each amended  
26 to read as follows:

27 The hearing shall be held at the place designated by the  
28 commissioner, and at his or her discretion it may be open to the  
29 public.

30 **Sec. 7015.** RCW 48.05.110 and 1947 c 79 s .05.11 are each amended  
31 to read as follows:

32 If the commissioner finds that an insurer has met the requirements  
33 for and is fully entitled thereto under this code, he or she shall  
34 issue to it a proper certificate of authority. If the commissioner

1 does not so find, the authority shall be refused within a reasonable  
2 length of time following completion by the insurer of the application  
3 therefor.

4 **Sec. 7016.** RCW 48.05.150 and 1947 c 79 s .05.15 are each amended  
5 to read as follows:

6 The commissioner shall give an insurer notice of his or her  
7 intention to suspend, revoke, or refuse to renew its certificate of  
8 authority not less than ten days before the order of suspension,  
9 revocation or refusal is to become effective; except that no advance  
10 notice of intention is required where the order results from a domestic  
11 insurer's failure to make good a deficiency of assets as required by  
12 the commissioner.

13 **Sec. 7017.** RCW 48.05.160 and 1947 c 79 s .05.16 are each amended  
14 to read as follows:

15 The commissioner shall not suspend an insurer's certificate of  
16 authority for a period in excess of one year, and he or she shall state  
17 in his or her order of suspension the period during which it shall be  
18 effective.

19 **Sec. 7018.** RCW 48.05.210 and 1981 c 339 s 3 are each amended to  
20 read as follows:

21 (1) Duplicate copies of legal process against an insurer for whom  
22 the commissioner is attorney shall be served upon him or her either by  
23 a person competent to serve a summons, or by registered mail. At the  
24 time of service the plaintiff shall pay to the commissioner ten  
25 dollars, taxable as costs in the action.

26 (2) The commissioner shall forthwith send one of the copies of the  
27 process, by registered mail with return receipt requested, to the  
28 person designated for the purpose by the insurer in its most recent  
29 such designation filed with the commissioner.

30 (3) The commissioner shall keep a record of the day and hour of  
31 service upon him or her of all legal process. No proceedings shall be  
32 had against the insurer, and the insurer shall not be required to  
33 appear, plead, or answer until the expiration of forty days after the  
34 date of service upon the commissioner.

1       **Sec. 7019.** RCW 48.05.290 and 1947 c 79 s .05.29 are each amended  
2 to read as follows:

3       (1) No insurer shall withdraw from this state until its direct  
4 liability to its policyholders and obligees under all its insurance  
5 contracts then in force in this state has been assumed by another  
6 authorized insurer under an agreement approved by the commissioner. In  
7 the case of a life insurer, its liability pursuant to contracts issued  
8 in this state in settlement of proceeds under its policies shall  
9 likewise be so assumed.

10       (2) The commissioner may waive this requirement if he or she finds  
11 upon examination that a withdrawing insurer is then fully solvent and  
12 that the protection to be given its policyholders in this state will  
13 not be impaired by the waiver.

14       (3) The assuming insurer shall within a reasonable time replace the  
15 assumed insurance contracts with its own, or by endorsement thereon  
16 acknowledge its liability thereunder.

17       **Sec. 7020.** RCW 48.05.370 and 1969 ex.s. c 241 s 1 are each amended  
18 to read as follows:

19       Officers and directors of an insurer or a corporation holding a  
20 controlling interest in an insurer shall be deemed to stand in a  
21 fiduciary relation to the insurer, and shall discharge the duties of  
22 their respective positions in good faith, and with that diligence, care  
23 and skill which ordinary prudent (~~men~~) persons would exercise under  
24 similar circumstances in like positions.

25       **Sec. 7021.** RCW 48.06.050 and 1967 c 150 s 7 are each amended to  
26 read as follows:

27       The commissioner shall expeditiously examine the application for a  
28 solicitation permit and make any investigation relative thereto deemed  
29 necessary. If the commissioner finds that

30       (1) the application is complete; and

31       (2) the documents therewith filed are equitable in terms and proper  
32 in form; and

33       (3) the management of the company, whether by its directors,  
34 officers, or by any other means is competent and trustworthy and not so  
35 lacking in managerial experience as to make a proposed operation  
36 hazardous to the insurance-buying public; and that there is no reason

1 to believe the company is affiliated, directly or indirectly, through  
2 ownership, control, reinsurance, or other insurance or business  
3 relations, with any other person or persons whose business operations  
4 are or have been marked, to the detriment of the policyholders or  
5 stockholders or investors or creditors or of the public, by bad faith  
6 or by manipulation of assets, or of accounts, or of reinsurance; and

7 (4) the agreements made or proposed are equitable to present and  
8 future shareholders, subscribers, members or policyholders, he or she  
9 shall give notice to the applicant that he or she will issue a  
10 solicitation permit, stating the terms to be contained therein, upon  
11 the filing of the bond required by RCW 48.06.110 of this code.

12 If the commissioner does not so find, he or she shall give notice  
13 to the applicant that the permit will not be granted, stating the  
14 grounds therefor, and shall refund to the applicant all sums so  
15 deposited except the application fee.

16 **Sec. 7022.** RCW 48.06.070 and 1953 c 197 s 1 are each amended to  
17 read as follows:

18 Every solicitation permit issued by the commissioner shall:

19 (1) Be for a period of not over two years, subject to the right of  
20 the commissioner to grant a reasonable extension for good cause.

21 (2) State the securities for which subscriptions are to be  
22 solicited, the number, classes, par value, and selling price thereof,  
23 or identify the insurance contract for which applications and advance  
24 premiums or deposits are to be solicited.

25 (3) Limit the portion of funds received on account of stock or  
26 syndicate subscriptions, if any are proposed to be taken, which may be  
27 used for promotion and organization expenses to such amount as he or  
28 she deems adequate, but in no event to exceed fifteen percent of such  
29 funds as and when actually received.

30 (4) If to be a mutual or reciprocal insurer, limit the portion of  
31 funds received on account of applications for insurance which may be  
32 used for promotion or organization expenses to a reasonable commission  
33 upon such funds, giving consideration to the kind of insurance and  
34 policy involved and to the costs incurred by insurers generally in the  
35 production of similar business, and provide that no such commission  
36 shall be deemed to be earned nor be paid until the insurer has received

1 its certificate of authority and the policies applied for and upon  
2 which such commission is to be based, have been actually issued and  
3 delivered.

4 (5) Contain such other information required by this chapter or  
5 reasonable conditions relative to accounting and reports or otherwise  
6 as the commissioner deems necessary.

7 **Sec. 7023.** RCW 48.06.100 and 1947 c 79 s .06.10 are each amended  
8 to read as follows:

9 (1) The commissioner may, for cause, modify a solicitation permit,  
10 or may, after a hearing, revoke any solicitation permit for violation  
11 of any provision of this code, or of the terms of the permit, or of any  
12 proper order of the commissioner, or for misrepresentation.

13 (2) The commissioner shall revoke a solicitation permit if  
14 requested in writing by a majority of the syndicate members, or by a  
15 majority of the incorporators and two-thirds of the subscribers to  
16 stock or applicants for insurance in the proposed incorporated insurer  
17 or corporation, or if he or she is so requested by a majority of the  
18 subscribers of a proposed reciprocal insurer.

19 **Sec. 7024.** RCW 48.06.110 and 1969 ex.s. c 241 s 2 are each amended  
20 to read as follows:

21 (1) The commissioner shall not issue a solicitation permit until  
22 the person applying therefor files with him or her a corporate surety  
23 bond in the penalty of fifty thousand dollars, in favor of the state  
24 and for the use and benefit of the state and of subscribers and  
25 creditors of the proposed organization.

26 The bond shall be conditioned upon the payment of costs incurred by  
27 the state in event of any legal proceedings for liquidation or  
28 dissolution of the proposed organization before completion of  
29 organization or in event a certificate of authority is not granted; and  
30 upon a full accounting for funds received until the proposed insurer  
31 has been granted its certificate of authority, or until the proposed  
32 corporation or syndicate has completed its organization as defined in  
33 the solicitation permit.

34 (2) In lieu of filing such bond, the person may deposit with the  
35 commissioner fifty thousand dollars in cash or in United States

1 government bonds at par value, to be held in trust upon the same  
2 conditions as required for the bond.

3 (3) The commissioner may waive the requirement for a bond or  
4 deposit in lieu thereof if the permit provides that:

5 (a) The proposed securities are to be distributed solely and  
6 finally to those few persons who are the active promoters intimate to  
7 the formation of the insurer, or other corporation or syndicate, or

8 (b) The securities are to be issued in connection with subsequent  
9 financing as provided in RCW 48.06.180.

10 (4) Any bond filed or deposit or remaining portion thereof held  
11 under this section shall be released and discharged upon settlement or  
12 termination of all liabilities against it.

13 **Sec. 7025.** RCW 48.06.180 and 1949 c 190 s 6 are each amended to  
14 read as follows:

15 (1) No domestic insurer, or insurance holding corporation, or stock  
16 corporation for financing operations of a mutual insurer, or attorney-  
17 in-fact corporation of a reciprocal insurer, after

18 (a) it has received a certificate of authority, if an insurer, or

19 (b) it has completed its initial organization and financing if a  
20 corporation other than an insurer, shall solicit or receive funds in  
21 exchange for any new issue of its corporate securities, other than  
22 through a stock dividend, until it has applied to the commissioner for,  
23 and has been granted, a solicitation permit.

24 (2) The commissioner shall issue such a permit unless he or she  
25 finds that:

26 (a) The funds proposed to be secured are excessive in amount for  
27 the purpose intended, or

28 (b) the proposed securities or the manner of their distribution are  
29 inequitable, or

30 (c) the issuance of the securities would jeopardize the interests  
31 of policyholders or the holders of other securities of the insurer or  
32 corporation.

33 (3) Any such solicitation permit granted by the commissioner shall  
34 be for such duration, and shall contain such terms and be issued upon  
35 such conditions as the commissioner may reasonably specify or require.

1           **Sec. 7026.** RCW 48.07.080 and 1947 c 79 s .07.08 are each amended  
2 to read as follows:

3           No domestic insurer or its affiliates or subsidiaries shall  
4 guarantee the financial obligation of any director or officer of such  
5 insurer or affiliate or subsidiary in his or her personal capacity, and  
6 any such guaranty attempted shall be void.

7           This prohibition shall not apply to obligations of the insurer  
8 under surety bonds or insurance contracts issued in the regular course  
9 of business.

10           **Sec. 7027.** RCW 48.07.150 and 1988 c 248 s 4 are each amended to  
11 read as follows:

12           (1) No domestic insurer shall knowingly solicit insurance business  
13 in any reciprocating state in which it is not then licensed as an  
14 authorized insurer.

15           (2) This section shall not prohibit advertising through  
16 publications and radio broadcasts originating outside such  
17 reciprocating state, if the insurer is licensed in a majority of the  
18 states in which such advertising is disseminated, and if such  
19 advertising is not specifically directed to residents of such  
20 reciprocating state.

21           (3) This section shall not prohibit insurance, covering persons or  
22 risks located in a reciprocating state, under contracts solicited and  
23 issued in states in which the insurer is then licensed. Nor shall it  
24 prohibit insurance effectuated by the insurer as an unauthorized  
25 insurer in accordance with the laws of the reciprocating state. Nor  
26 shall it prohibit renewal or continuance in force, with or without  
27 modification, of contracts otherwise lawful and which were not  
28 originally executed in violation of this section.

29           (4) A "reciprocating" state, as used herein, is one under the laws  
30 of which a similar prohibition is imposed upon and is enforced against  
31 insurers domiciled in that state.

32           (5) The commissioner shall suspend or revoke the certificate of  
33 authority of a domestic insurer found by him or her, after a hearing,  
34 to have violated this section.

35           **Sec. 7028.** RCW 48.08.020 and 1947 c 79 s .08.02 are each amended  
36 to read as follows:

1 (1) Reduction of the capital stock of a domestic stock insurer  
2 shall be by amendment of its articles of incorporation. No such  
3 reduction shall be made which results in capital stock less in amount  
4 than the minimum required by this code for the kinds of insurance  
5 thereafter to be transacted by the insurer.

6 (2) No surplus funds of the insurer resulting from a reduction of  
7 its capital stock shall be distributed to stockholders, except as a  
8 stock dividend on a subsequent increase of capital stock, or upon  
9 dissolution of the insurer, or upon approval of the commissioner of a  
10 distribution upon proof satisfactory to him or her that the  
11 distribution will not impair the interests of policyholders or the  
12 insurer's solvency.

13 (3) Upon such reduction of capital stock, the insurer's directors  
14 shall call in any outstanding stock certificates required to be changed  
15 pursuant thereto, and issue proper certificates in their stead.

16 **Sec. 7029.** RCW 48.08.090 and 1965 ex.s. c 70 s 5 are each amended  
17 to read as follows:

18 (1) This section shall apply to all domestic stock insurers except:

19 (a) A domestic stock insurer having less than one hundred  
20 stockholders; except, that if ninety-five percent or more of the  
21 insurer's stock is owned or controlled by a parent or affiliated  
22 insurer, this section shall not apply to such insurer unless its  
23 remaining shares are held by five hundred or more stockholders.

24 (b) Domestic stock insurers which file with the Securities and  
25 Exchange Commission forms of proxies, consents and authorizations  
26 pursuant to the Securities and Exchange Act of 1934, as amended.

27 (2) Every such insurer shall seasonably furnish its stockholders in  
28 advance of stockholder meetings, information in writing reasonably  
29 adequate to inform them relative to all matters to be presented by the  
30 insurer's management for consideration of stockholders at such meeting.

31 (3) No person shall solicit a proxy, consent, or authorization in  
32 respect of any stock of such an insurer unless he or she furnishes the  
33 person so solicited with written information reasonably adequate as to

34 (a) the material matters in regard to which the powers so solicited  
35 are proposed to be used, and

36 (b) the person or persons on whose behalf the solicitation is made,  
37 and the interest of such person or persons in relation to such matters.

1 (4) No person shall so furnish to another, information which the  
2 informer knows or has reason to believe, is false or misleading as to  
3 any material fact, or which fails to state any material fact reasonably  
4 necessary to prevent any other statement made from being misleading.

5 (5) The form of all such proxies shall:

6 (a) Conspicuously state on whose behalf the proxy is solicited;

7 (b) Provide for dating the proxy;

8 (c) Impartially identify each matter or group of related matters  
9 intended to be acted upon;

10 (d) Provide means for the principal to instruct the vote of his  
11 shares as to approval or disapproval of each matter or group, other  
12 than election to office; and

13 (e) Be legibly printed, with context suitably organized.

14 Except, that a proxy may confer discretionary authority as to  
15 matters as to which choice is not specified pursuant to item (d),  
16 above, if the form conspicuously states how it is intended to vote the  
17 proxy or authorization in each such case; and may confer discretionary  
18 authority as to other matters which may come before the meeting but  
19 unknown for a reasonable time prior to the solicitation by the persons  
20 on whose behalf the solicitation is made.

21 (6) No proxy shall confer authority (a) to vote for election of any  
22 person to any office for which a bona fide nominee is not named in the  
23 proxy statement, or (b) to vote at any annual meeting (or adjournment  
24 thereof) other than the annual meeting next following the date on which  
25 the proxy statement and form were furnished stockholders.

26 (7) The commissioner shall have authority to make and promulgate  
27 reasonable rules and regulations for the effectuation of this section,  
28 and in so doing shall give due consideration to rules and regulations  
29 promulgated for similar purposes by the insurance supervisory officials  
30 of other states.

31 **Sec. 7030.** RCW 48.08.100 and 1965 ex.s. c 70 s 11 are each amended  
32 to read as follows:

33 The term "equity security" when used in RCW 48.08.100 through  
34 48.08.160 means any stock or similar security; or any security  
35 convertible, with or without consideration, into such a security, or  
36 carrying any warrant or right to subscribe to or purchase such a  
37 security; or any such warrant or right; or any other security which the

1 commissioner shall deem to be of similar nature and consider necessary  
2 or appropriate, by such rules and regulations as he or\_she may  
3 prescribe in the public interest or for the protection of investors, to  
4 treat as an equity security.

5 **Sec. 7031.** RCW 48.08.110 and 1965 ex.s. c 70 s 6 are each amended  
6 to read as follows:

7 Every person who is directly or indirectly the beneficial owner of  
8 more than ten percent of any class of any equity security of a domestic  
9 stock insurer, or who is a director or an officer of such insurer,  
10 shall file with the commissioner on or before the 30th day of  
11 September, 1965, or within ten days after he or\_she becomes such  
12 beneficial owner, director or officer, a statement, in such form as the  
13 commissioner may prescribe, of the amount of all equity securities of  
14 such insurer of which he or\_she is the beneficial owner, and within ten  
15 days after the close of each calendar month thereafter, if there has  
16 been a change in such ownership during such month, shall file with the  
17 commissioner a statement, in such form as the commissioner may  
18 prescribe, indicating his or\_her ownership at the close of the calendar  
19 month and such changes in his or\_her ownership as have occurred during  
20 such calendar month.

21 **Sec. 7032.** RCW 48.08.120 and 1965 ex.s. c 70 s 7 are each amended  
22 to read as follows:

23 For the purpose of preventing the unfair use of information which  
24 may have been obtained by such beneficial owner, director or officer by  
25 reason of his or\_her relationship to such insurer, any profit realized  
26 by him from any purchase and sale, or any sale and purchase, of any  
27 equity security of such insurer within any period of less than six  
28 months, unless such security was acquired in good faith in connection  
29 with a debt previously contracted, shall inure to and be recoverable by  
30 the insurer, irrespective of any intention on the part of such  
31 beneficial owner, director or officer in entering into such transaction  
32 of holding the security purchased or of not repurchasing the security  
33 sold for a period exceeding six months. Suit to recover such profit  
34 may be instituted at law or in equity in any court of competent  
35 jurisdiction by the insurer, or by the owner of any security of the  
36 insurer in the name and in behalf of the insurer if the insurer shall

1 fail or refuse to bring such suit within sixty days after request or  
2 shall fail diligently to prosecute the same thereafter: PROVIDED, That  
3 no such suit shall be brought more than two years after the date such  
4 profit was realized. This section shall not be construed to cover any  
5 transaction where such beneficial owner was not such both at the time  
6 of the purchase and sale, or the sale and purchase, of the security  
7 involved, or any transaction or transactions which the commissioner by  
8 rules and regulations may exempt as not comprehended within the purpose  
9 of this section.

10 **Sec. 7033.** RCW 48.08.130 and 1965 ex.s. c 70 s 8 are each amended  
11 to read as follows:

12 It shall be unlawful for any such beneficial owner, director or  
13 officer, directly or indirectly, to sell any equity security of such  
14 insurer if the person selling the security or his principal (1) does  
15 not own the security sold, or (2) if owning the security, does not  
16 deliver it against such sale within twenty days thereafter, or does not  
17 within five days after such sale deposit it in the mails or other usual  
18 channels of transportation: PROVIDED, That no person shall be deemed  
19 to have violated this section if he or she proves that notwithstanding  
20 the exercise of good faith he or she was unable to make such delivery  
21 or deposit within such time, or that to do so would cause undue  
22 inconvenience or expense.

23 **Sec. 7034.** RCW 48.08.140 and 1965 ex.s. c 70 s 9 are each amended  
24 to read as follows:

25 The provisions of RCW 48.08.120 shall not apply to any purchase and  
26 sale, or sale and purchase, and the provisions of RCW 48.08.130 shall  
27 not apply to any sale of an equity security of a domestic stock insurer  
28 not then or theretofore held by him or her in an investment account, by  
29 a dealer in the ordinary course of his or her business and incident to  
30 the establishment or maintenance by him or her of a primary or  
31 secondary market (otherwise than on an exchange as defined in the  
32 Securities Exchange Act of 1934) for such security. The commissioner  
33 may, by such rules and regulations as he or she deems necessary or  
34 appropriate in the public interest, define and prescribe terms and  
35 conditions with respect to securities held in an investment account and

1 transactions made in the ordinary course of business and incident to  
2 the establishment or maintenance of a primary or secondary market.

3 **Sec. 7035.** RCW 48.08.170 and 1965 ex.s. c 70 s 13 are each amended  
4 to read as follows:

5 The commissioner shall have the power to make such rules and  
6 regulations as may be necessary for the execution of the functions  
7 vested in him or her by RCW 48.08.100 through 48.08.160, and may for  
8 such purpose classify domestic stock insurers, securities, and other  
9 persons or matters within his jurisdiction. No provision of RCW  
10 48.08.110, 48.08.120, and 48.08.130 imposing any liability shall apply  
11 to any act done or omitted in good faith in conformity with any rule or  
12 regulation of the commissioner, notwithstanding that such rule or  
13 regulation may, after such act or omission, be amended or rescinded or  
14 determined by judicial or other authority to be invalid for any reason.

15 **Sec. 7036.** RCW 48.09.130 and 1947 c 79 s .09.13 are each amended  
16 to read as follows:

17 A domestic mutual insurer shall adopt bylaws for the conduct of its  
18 affairs. Such bylaws, or any modification thereof, shall forthwith be  
19 filed with the commissioner. The commissioner shall disapprove any  
20 such bylaws, or as so modified, if he or she finds after a hearing  
21 thereon, that it is not in compliance with the laws of this state, and  
22 he or she shall forthwith communicate such disapproval to the insurer.  
23 No such bylaw, or modification, so disapproved shall be effective  
24 during the existence of such disapproval.

25 **Sec. 7037.** RCW 48.09.160 and 1947 c 79 s .09.16 are each amended  
26 to read as follows:

27 No individual shall be a director of a domestic mutual insurer by  
28 reason of his or her holding public office. Adjudication as a bankrupt  
29 or taking the benefit of any insolvency law or making a general  
30 assignment for the benefit of creditors disqualifies an individual from  
31 being or acting as a director.

32 **Sec. 7038.** RCW 48.09.220 and 1949 c 190 s 9 are each amended to  
33 read as follows:

34 (1) Each member of a domestic mutual insurer, except as otherwise

1 provided in this chapter, shall have a contingent liability, pro rata  
2 and not one for another, for the discharge of its obligations. The  
3 contingent liability shall be in such maximum amount as is stated in  
4 the insurer's articles of incorporation, but shall be not less than  
5 one, nor more than five, additional premiums for the member's policy at  
6 the annual premium rate and for a term of one year.

7 (2) Every policy issued by the insurer shall contain a statement of  
8 the contingent liability.

9 (3) Termination of the policy of any such member shall not relieve  
10 the member of contingent liability for his or her proportion of the  
11 obligations of the insurer which accrued while the policy was in force.

12 **Sec. 7039.** RCW 48.09.230 and 1949 c 190 s 10 are each amended to  
13 read as follows:

14 (1) If at any time the assets of a domestic mutual insurer doing  
15 business on the cash premium plan are less than its liabilities and the  
16 minimum surplus, if any, required of it by this code as prerequisite  
17 for continuance of its certificate of authority, and the deficiency is  
18 not cured from other sources, its directors may, if approved by the  
19 commissioner, make an assessment only on its members who at any time  
20 within the twelve months immediately preceding the date such assessment  
21 was authorized by its directors held policies providing for contingent  
22 liability.

23 (2) Such an assessment shall be for such an amount of money as is  
24 required, in the opinion of the commissioner, to render the insurer  
25 fully solvent, but not to result in surplus in excess of five percent  
26 of the insurer's liabilities as of the date of the assessment.

27 (3) A member's proportionate part of any such assessment shall be  
28 computed by applying to the premium earned, during the period since the  
29 deficiency first appeared, on his or her contingently liable policy or  
30 policies the ratio of the total assessment to the total premium earned  
31 during such period on all contingently liable policies which are  
32 subject to the assessment.

33 (4) No member shall have an offset against any assessment for which  
34 he or she is liable on account of any claim for unearned premium or  
35 losses payable.

1           **Sec. 7040.** RCW 48.09.270 and 1963 c 195 s 4 are each amended to  
2 read as follows:

3           (1) A domestic mutual insurer on the cash premium plan, after it  
4 has established a surplus not less in amount than the minimum capital  
5 funds required of a domestic stock insurer to transact like kinds of  
6 insurance, and for so long as it maintains such surplus, may extinguish  
7 the contingent liability of its members to assessment and omit  
8 provisions imposing contingent liability in all policies currently  
9 issued.

10           (2) Any deposit made with the commissioner as a prerequisite to the  
11 insurer's certificate of authority may be included as part of the  
12 surplus required in this section.

13           (3) When the surplus has been so established and the commissioner  
14 has so ascertained, he or she shall issue to the insurer, at its  
15 request, his or her certificate authorizing the extinguishment of the  
16 contingent liability of its members and the issuance of policies free  
17 therefrom.

18           (4) While it maintains surplus funds in amount not less than the  
19 minimum capital required of a domestic stock insurer authorized to  
20 transact like kinds of insurance, and subject to the requirements of  
21 RCW 48.05.360 as to special surplus, a foreign or alien mutual insurer  
22 on the cash premium plan may, if consistent with its charter and the  
23 laws of its domicile, issue nonassessable policies covering subjects  
24 located, resident, or to be performed in this state.

25           **Sec. 7041.** RCW 48.10.140 and 1947 c 79 s .10.14 are each amended  
26 to read as follows:

27           (1) Concurrently with the filing of the declaration provided for in  
28 RCW 48.10.090, (or, if an existing domestic reciprocal insurer, within  
29 ninety days after the effective date of this code) the attorney of a  
30 domestic reciprocal shall file with the commissioner a bond running to  
31 the state of Washington. The bond shall be executed by the attorney  
32 and by an authorized corporate surety, and shall be subject to the  
33 commissioner's approval.

34           (2) The bond shall be in the penal sum of twenty-five thousand  
35 dollars, conditioned that the attorney will faithfully account for all  
36 moneys and other property of the insurer coming into his or her hands,

1 and that he or she will not withdraw or appropriate for his or her own  
2 use from the funds of the insurer any moneys or property to which he or  
3 she is not entitled under the power of attorney.

4 (3) The bond shall provide that it is not subject to cancellation  
5 unless thirty days advance notice in writing of intent to cancel is  
6 given to both the attorney and the commissioner.

7 **Sec. 7042.** RCW 48.10.170 and 1947 c 79 s .10.17 are each amended  
8 to read as follows:

9 (1) A certificate of authority shall not be issued to a domestic  
10 reciprocal insurer unless prior thereto the attorney has executed and  
11 filed with the commissioner the insurer's irrevocable authorization of  
12 the commissioner to receive legal process issued in this state against  
13 the insurer upon any cause of action arising within this state.

14 (2) The provisions of RCW 48.05.210 shall apply to service of such  
15 process upon the commissioner.

16 (3) In lieu of service on the commissioner, legal process may be  
17 served upon a domestic reciprocal insurer by serving the insurer's  
18 attorney at his or her principal offices.

19 (4) Any judgment against the insurer based upon legal process so  
20 served shall be binding upon each of the insurer's subscribers as their  
21 respective interests may appear and in an amount not exceeding their  
22 respective contingent liabilities.

23 **Sec. 7043.** RCW 48.10.200 and 1947 c 79 s .10.20 are each amended  
24 to read as follows:

25 In determining the financial condition of a reciprocal insurer the  
26 commissioner shall apply the following rules:

27 (1) He or she shall charge as liabilities the same reserves as are  
28 required of incorporated insurers issuing nonassessable policies on a  
29 reserve basis.

30 (2) The surplus deposits of subscribers shall be allowed as assets,  
31 except that any premium deposit delinquent for ninety days shall first  
32 be charged against such surplus deposit.

33 (3) The surplus deposits of subscribers shall not be charged as a  
34 liability.

35 (4) All premium deposits delinquent less than ninety days shall be  
36 allowed as assets.

1 (5) An assessment levied upon subscribers, and not collected, shall  
2 not be allowed as an asset.

3 (6) The contingent liability of subscribers shall not be allowed as  
4 an asset.

5 (7) The computation of reserves shall be based upon premium  
6 deposits other than membership fees and without any deduction for the  
7 compensation of the attorney.

8 **Sec. 7044.** RCW 48.10.250 and 1947 c 79 s .10.25 are each amended  
9 to read as follows:

10 (1) The liability of each subscriber subject to assessment for the  
11 obligations of the reciprocal insurer shall not be joint, but shall be  
12 individual and several.

13 (2) Each subscriber who is subject to assessment shall have a  
14 contingent assessment liability, in the amount provided for in the  
15 power of attorney or in the subscribers' agreement, for payment of  
16 actual losses and expenses incurred while his or her policy was in  
17 force. Such contingent liability may be at the rate of not less than  
18 one nor more than ten times the premium or premium deposit stated in  
19 the policy, and the maximum aggregate thereof shall be computed in the  
20 manner set forth in RCW 48.10.290.

21 (3) Each assessable policy issued by the insurer shall plainly set  
22 forth a statement of the contingent liability.

23 **Sec. 7045.** RCW 48.10.260 and 1947 c 79 s .10.26 are each amended  
24 to read as follows:

25 (1) No action shall lie against any subscriber upon any obligation  
26 claimed against the insurer until a final judgment has been obtained  
27 against the insurer and remains unsatisfied for thirty days.

28 (2) Any such judgment shall be binding upon each subscriber only in  
29 such proportion as his or her interests may appear and in an amount not  
30 exceeding his or her contingent liability, if any.

31 **Sec. 7046.** RCW 48.10.270 and 1947 c 79 s .10.27 are each amended  
32 to read as follows:

33 (1) Assessments may be levied from time to time upon the  
34 subscribers of a domestic reciprocal insurer, other than as to

1 nonassessable policies, by the attorney upon approval in advance by the  
2 subscribers' advisory committee and the commissioner; or by the  
3 commissioner in liquidation of the insurer.

4 (2) Each such subscriber's share of a deficiency for which an  
5 assessment is made, not exceeding in any event his or her aggregate  
6 contingent liability as computed in accordance with RCW 48.10.290,  
7 shall be computed by applying to the premium earned on the subscriber's  
8 policy or policies during the period to be covered by the assessment,  
9 the ratio of the total deficiency to the total premiums earned during  
10 such period upon all policies subject to the assessment.

11 (3) In computing the earned premiums for the purposes of this  
12 section, the gross premium received by the insurer for the policy shall  
13 be used as a base, deducting therefrom solely charges not recurring  
14 upon the renewal or extension of the policy.

15 (4) No subscriber shall have an offset against any assessment for  
16 which he or she is liable, on account of any claim for unearned premium  
17 or losses payable.

18 **Sec. 7047.** RCW 48.10.280 and 1947 c 79 s .10.28 are each amended  
19 to read as follows:

20 Every subscriber of a domestic reciprocal insurer having contingent  
21 liability shall be liable for, and shall pay his or her share of any  
22 assessment, as computed and limited in accordance with this chapter,  
23 if:

24 (1) While his or her policy is in force or within one year after  
25 its termination, he or she is notified by either the attorney or the  
26 commissioner of his or her intention to levy such assessment; or

27 (2) If an order to show cause why a receiver, conservator,  
28 rehabilitator, or liquidator of the insurer should not be appointed is  
29 issued pursuant to RCW 48.31.190 while his or her policy is in force or  
30 within one year after its termination.

31 **Sec. 7048.** RCW 48.10.300 and 1983 c 3 s 148 are each amended to  
32 read as follows:

33 (1) Subject to the special surplus requirements of RCW 48.05.360,  
34 if a reciprocal insurer has a surplus of assets over all liabilities at  
35 least equal to the minimum capital stock required of a domestic stock  
36 insurer authorized to transact like kinds of insurance, upon

1 application of the attorney and as approved by the subscribers'  
2 advisory committee the commissioner shall issue his or her certificate  
3 authorizing the insurer to extinguish the contingent liability of  
4 subscribers under its policies then in force in this state, and to omit  
5 provisions imposing contingent liability in all policies delivered or  
6 issued for delivery in this state for so long as all such surplus  
7 remains unimpaired.

8 (2) Upon impairment of such surplus, the commissioner shall  
9 forthwith revoke the certificate. No policy shall thereafter be issued  
10 or renewed without providing for the contingent assessment liability of  
11 subscribers.

12 (3) The commissioner shall not authorize a domestic reciprocal  
13 insurer so to extinguish the contingent liability of any of its  
14 subscribers or in any of its policies to be issued, unless it qualifies  
15 to and does extinguish such liability of all its subscribers and in all  
16 such policies for all kinds of insurance transacted by it. Except,  
17 that if required by the laws of another state in which the insurer is  
18 transacting insurance as an authorized insurer, the insurer may issue  
19 policies providing for the contingent liability of such of its  
20 subscribers as may acquire such policies in such state, and need not  
21 extinguish the contingent liability applicable to policies theretofore  
22 in force in such state.

23 **Sec. 7049.** RCW 48.10.330 and 1947 c 79 s .10.33 are each amended  
24 to read as follows:

25 (1) A domestic reciprocal insurer, upon affirmative vote of not  
26 less than two-thirds of the subscribers who vote upon such merger  
27 pursuant to such notice as may be approved by the commissioner and with  
28 the approval of the commissioner of the terms therefor, may merge with  
29 another reciprocal insurer or be converted to a stock or mutual  
30 insurer.

31 (2) Such a stock or mutual insurer shall be subject to the same  
32 capital requirements and shall have the same rights as a like domestic  
33 insurer transacting like kinds of insurance.

34 (3) The commissioner shall not approve any plan for such merger or  
35 conversion which is inequitable to subscribers, or which, if for  
36 conversion to a stock insurer, does not give each subscriber  
37 preferential right to acquire stock of the proposed insurer

1 proportionate to his or her interest in the reciprocal insurer as  
2 determined in accordance with RCW 48.10.320 and a reasonable length of  
3 time within which to exercise such right.

4 **Sec. 7050.** RCW 48.10.340 and 1947 c 79 s .10.34 are each amended  
5 to read as follows:

6 (1) If the assets of a domestic reciprocal insurer are at any time  
7 insufficient to discharge its liabilities other than any liability on  
8 account of funds contributed by the attorney, and to maintain the  
9 surplus required for the kinds of insurance it is authorized to  
10 transact, its attorney shall forthwith levy an assessment upon  
11 subscribers made subject to assessment by the terms of their policies  
12 for the amount needed to make up the deficiency.

13 (2) If the attorney fails to make the assessment within thirty days  
14 after the commissioner orders him or her to do so, or if the deficiency  
15 is not fully made up within sixty days after the date the assessment  
16 was made, the insurer shall be deemed insolvent and shall be proceeded  
17 against as authorized by this code.

18 (3) If liquidation of such an insurer is ordered, an assessment  
19 shall be levied upon the subscribers for such an amount, subject to  
20 limits as provided by this chapter, as the commissioner determines to  
21 be necessary to discharge all liabilities of the insurer, exclusive of  
22 any funds contributed by the attorney, but including the reasonable  
23 cost of the liquidation.

24 **Sec. 7051.** RCW 48.11.080 and 1967 c 150 s 8 are each amended to  
25 read as follows:

26 "Surety insurance" includes:

27 (1) Credit insurance as defined in subdivision (9) of RCW  
28 48.11.070.

29 (2) Bail bond insurance.

30 (3) Fidelity insurance, which is insurance guaranteeing the  
31 fidelity of persons holding positions of public or private trust.

32 (4) Guaranteeing the performance of contracts, other than insurance  
33 policies, and guaranteeing and executing bonds, undertakings, and  
34 contracts of suretyship.

35 (5) Indemnifying banks, bankers, brokers, financial or moneyed  
36 corporations or associations against loss resulting from any cause of

1 bills of exchange, notes, bonds, securities, evidence of debts, deeds,  
2 mortgages, warehouse receipts, or other valuable papers, documents,  
3 money, precious metals and articles made therefrom, jewelry, watches,  
4 necklaces, bracelets, gems, precious and semi-precious stones,  
5 including any loss while the same are being transported in armored  
6 motor vehicles, or by messenger, but not including any other risks of  
7 transportation or navigation; also against loss or damage to such an  
8 insured's premises, or to his or her furnishings, fixtures, equipment,  
9 safes and vaults therein, caused by burglary, robbery, theft, vandalism  
10 or malicious mischief, or any attempt thereat.

11 **Sec. 7052.** RCW 48.12.010 and 2007 c 80 s 2 are each amended to  
12 read as follows:

13 In any determination of the financial condition of any insurer  
14 there shall be allowed as assets only such assets as belong wholly and  
15 exclusively to the insurer, which are registered, recorded, or held  
16 under the insurer's name, and which consist of:

17 (1) Cash in the possession of the insurer or in transit under its  
18 control, and the true balance of any deposit of the insurer in a  
19 solvent bank or trust company;

20 (2) Investments, securities, properties, and loans acquired or held  
21 in accordance with this code, and in connection therewith the following  
22 items:

23 (a) Interest due or accrued on any bond or evidence of indebtedness  
24 which is not in default and which is not valued on a basis including  
25 accrued interest.

26 (b) Declared and unpaid dividends on stocks and shares unless such  
27 amount has otherwise been allowed as an asset.

28 (c) Interest due or accrued upon a collateral loan in an amount not  
29 to exceed one year's interest thereon.

30 (d) Interest due or accrued on deposits in solvent banks and trust  
31 companies, and interest due or accrued on other assets if such interest  
32 is in the judgment of the commissioner a collectible asset.

33 (e) Interest due or accrued on a mortgage loan, in amount not  
34 exceeding in any event the amount, if any, of the difference between  
35 the unpaid principal and the value of the property less delinquent  
36 taxes thereon; but if any interest on the loan is in default more than  
37 one hundred eighty days, or if any interest on the loan is in default

1 and any taxes or any installment thereof on the property are and have  
2 been due and unpaid for more than one hundred eighty days, no allowance  
3 shall be made for any interest on the loan.

4 (f) Rent due or accrued on real property if such rent is not in  
5 arrears for more than three months.

6 (3) Premium notes, policy loans, and other policy assets and liens  
7 on policies of life insurance, in amount not exceeding the legal  
8 reserve and other policy liabilities carried on each individual policy;

9 (4) The net amount of uncollected and deferred premiums in the case  
10 of a life insurer which carries the full annual mean tabular reserve  
11 liability;

12 (5) Premiums in the course of collection, other than for life  
13 insurance, not more than ninety days past due, less commissions payable  
14 thereon. The foregoing limitation shall not apply to premiums payable  
15 directly or indirectly by the United States government or any of its  
16 instrumentalities;

17 (6) Installment premiums other than life insurance premiums, in  
18 accordance with regulations prescribed by the commissioner consistent  
19 with practice formulated or adopted by the National Association of  
20 Insurance Commissioners;

21 (7) Notes and like written obligations not past due, taken for  
22 premiums other than life insurance premiums, on policies permitted to  
23 be issued on such basis, to the extent of the unearned premium reserves  
24 carried thereon and unless otherwise required by regulation prescribed  
25 by the commissioner;

26 (8) Reinsurance recoverable subject to RCW 48.12.160;

27 (9) Amounts receivable by an assuming insurer representing funds  
28 withheld by a solvent ceding insurer under a reinsurance treaty;

29 (10) Deposits or equities recoverable from underwriting  
30 associations, syndicates and reinsurance funds, or from any suspended  
31 banking institution, to the extent deemed by the commissioner available  
32 for the payment of losses and claims and at values to be determined by  
33 him or her;

34 (11) Electronic and mechanical machines constituting a data  
35 processing and accounting system if the cost of such system is at least  
36 twenty-five thousand dollars, which cost shall be amortized in full  
37 over a period not to exceed three calendar years; and

1 (12) Other assets, not inconsistent with the foregoing provisions,  
2 deemed by the commissioner available for the payment of losses and  
3 claims, at values to be determined by him or her.

4 **Sec. 7053.** RCW 48.12.080 and 1947 c 79 s .12.08 are each amended  
5 to read as follows:

6 (1) If the commissioner determines that an insurer's unearned  
7 premium reserves, however computed, are inadequate, he or she may  
8 require the insurer to compute such reserves or any part thereof  
9 according to such other method or methods as are prescribed in this  
10 chapter.

11 (2) If the loss experience of an insurer shows that its loss  
12 reserves, however estimated, are inadequate, the commissioner shall  
13 require the insurer to maintain loss reserves in such increased amount  
14 as is needed to make them adequate.

15 **Sec. 7054.** RCW 48.12.140 and 1987 c 185 s 22 are each amended to  
16 read as follows:

17 "Loss payments" and "loss expense payments" as used with reference  
18 to liability and workers' compensation insurances shall include all  
19 payments to claimants, payments for medical and surgical attendance,  
20 legal expenses, salaries and expenses of investigators, adjusters and  
21 claims field (~~men~~) representatives, rents, stationery, telegraph and  
22 telephone charges, postage, salaries and expenses of office employees,  
23 home office expenses and all other payments made on account of claims,  
24 whether such payments are allocated to specific claims or are  
25 unallocated.

26 **Sec. 7055.** RCW 48.13.350 and 1949 c 190 s 20 are each amended to  
27 read as follows:

28 (1) As to each investment or loan of the funds of a domestic  
29 insurer a written record in permanent form showing the authorization  
30 thereof shall be made and signed by an officer of the insurer or by the  
31 (~~chairman~~) chair of such committee authorizing the investment or  
32 loan.

33 (2) As to each such investment or loan the insurer's records shall  
34 contain:

1 (a) In the case of loans: The name of the borrower; the location  
2 and legal description of the property; a physical description, and the  
3 appraised value of the security; the amount of the loan, rate of  
4 interest and terms of repayment.

5 (b) In the case of securities: The name of the obligor; a  
6 description of the security and the record of earnings; the amount  
7 invested, the rate of interest or dividend, the maturity and yield  
8 based upon the purchase price.

9 (c) In the case of real estate: The location and legal description  
10 of the property; a physical description and the appraised value; the  
11 purchase price and terms.

12 (d) In the case of all investments:

13 (i) The amount of expenses and commissions if any incurred on  
14 account of any investment or loan and by whom and to whom payable if  
15 not covered by contracts with mortgage loan representatives or  
16 correspondents which are part of the insurer's records.

17 (ii) The name of any officer or director of the insurer having any  
18 direct, indirect, or contingent interest in the securities or loan  
19 representing the investment, or in the assets of the person in whose  
20 behalf the investment or loan is made, and the nature of such interest.

21 **Sec. 7056.** RCW 48.14.070 and 1979 ex.s. c 130 s 2 are each amended  
22 to read as follows:

23 In event any person has paid to the commissioner any tax, license  
24 fee or other charge in error or in excess of that which he or she is  
25 lawfully obligated to pay, the commissioner shall upon written request  
26 made to him or her make a refund thereof. A person may only request a  
27 refund of taxes within six years from the date the taxes were paid. A  
28 person may only request a refund of fees or charges other than taxes  
29 within thirteen months of the date the fees or charges were paid.  
30 Refunds may be made either by crediting the amount toward payment of  
31 charges due or to become due from such person, or by making a cash  
32 refund. To facilitate such cash refunds the commissioner may establish  
33 a revolving fund out of funds appropriated by the legislature for his  
34 use.

35 **\*Sec. 7057.** RCW 48.15.100 and 1955 c 303 s 6 are each amended to  
36 **read as follows:**

1       (1) *Each licensed surplus line broker shall keep a full and true*  
2 *record of each surplus line contract procured by him or her including*  
3 *a copy of the daily report, if any, showing such of the following items*  
4 *as may be applicable:*

5       (i) *Amount of the insurance;*

6       (ii) *Gross premiums charged;*

7       (iii) *Return premium paid, if any;*

8       (iv) *Rate of premium charged upon the several items of property;*

9       (v) *Effective date of the contract, and the terms thereof;*

10       (vi) *Name and address of the insurer;*

11       (vii) *Name and address of the insured;*

12       (viii) *Brief general description of property insured and where*  
13 *located;*

14       (ix) *Other information as may be required by the commissioner.*

15       (2) *All such records as to any particular transaction shall be kept*  
16 *available and open to the inspection of the commissioner at any*  
17 *business time during the five years next following the date of*  
18 *completion of such transaction.*

*\*Sec. 7057 was vetoed. See message at end of chapter.*

19       **Sec. 7058.** RCW 48.15.110 and 1955 c 303 s 7 are each amended to  
20 read as follows:

21       (1) Each surplus line broker shall on or before the first day of  
22 March of each year file with the commissioner a verified statement of  
23 all surplus line insurance transacted by him or her during the  
24 preceding calendar year.

25       (2) The statement shall be on forms as prescribed and furnished by  
26 the commissioner and shall show:

27       (i) Aggregate of net premiums;

28       (ii) Additional information as required by the commissioner.

29       **Sec. 7059.** RCW 48.15.120 and 1947 c 79 s .15.12 are each amended  
30 to read as follows:

31       (1) On or before the first day of March of each year each surplus  
32 line broker shall remit to the state treasurer through the commissioner  
33 a tax on the premiums, exclusive of sums collected to cover federal and  
34 state taxes and examination fees, on surplus line insurance subject to  
35 tax transacted by him or her during the preceding calendar year as  
36 shown by his or her annual statement filed with the commissioner, and

1 at the same rate as is applicable to the premiums of authorized foreign  
2 insurers under this code. Such tax when collected shall be credited to  
3 the general fund.

4 (2) If a surplus line policy covers risks or exposures only  
5 partially in this state the tax so payable shall be computed upon the  
6 proportion of the premium which is properly allocable to the risks or  
7 exposures located in this state.

8 **Sec. 7060.** RCW 48.15.170 and 1947 c 79 s .15.17 are each amended  
9 to read as follows:

10 Every person for whom insurance has been placed with an  
11 unauthorized insurer pursuant to or in violation of this chapter shall,  
12 upon the commissioner's order, produce for his or her examination all  
13 policies and other documents evidencing the insurance, and shall  
14 disclose to the commissioner the amount of the gross premiums paid or  
15 agreed to be paid for the insurance. For each refusal to obey such  
16 order, such person shall be liable to a fine of not more than five  
17 hundred dollars.

18 **Sec. 7061.** RCW 48.16.080 and 1955 c 86 s 9 are each amended to  
19 read as follows:

20 The state of Washington shall be responsible for the safekeeping  
21 and return of all funds and securities deposited pursuant to this  
22 chapter with the commissioner or in any such depository so designated  
23 by him or her.

24 **Sec. 7062.** RCW 48.16.100 and 1947 c 79 s .16.10 are each amended  
25 to read as follows:

26 (1) Any such required deposit shall be released in these instances  
27 only:

28 (a) Upon extinguishment of all liabilities of the insurer for the  
29 security of which the deposit is held, by reinsurance contract or  
30 otherwise.

31 (b) If any such deposit or portion thereof is no longer required  
32 under this code.

33 (c) If the deposit has been made pursuant to the retaliatory  
34 provision, RCW 48.14.040, it shall be released in whole or in part when  
35 no longer so required.

1 (d) Upon proper order of a court of competent jurisdiction the  
2 deposit shall be released to the receiver, conservator, rehabilitator,  
3 or liquidator of the insurer for whose account the deposit is held.

4 (2) No such release shall be made except on application to and  
5 written order of the commissioner made upon proof satisfactory to him  
6 or her of the existence of one of such grounds therefor. The  
7 commissioner shall have no personal liability for any such release of  
8 any deposit or part thereof so made by him or her in good faith.

9 (3) All releases of deposits or any part thereof shall be made to  
10 the person then entitled thereto upon proof of title satisfactory to  
11 the commissioner.

12 (4) Deposits held on account of title insurers are subject further  
13 to the provisions of chapter 48.29 RCW.

14 **Sec. 7063.** RCW 48.17.430 and 1977 ex.s. c 182 s 5 are each amended  
15 to read as follows:

16 (1) Prior to the issuance of a license as public adjuster, the  
17 applicant therefor shall file with the commissioner and shall  
18 thereafter maintain in force while so licensed a surety bond in favor  
19 of the people of the state of Washington, executed by an authorized  
20 corporate surety approved by the commissioner, in the amount of five  
21 thousand dollars. The bond may be continuous in form, and total  
22 aggregate liability on the bond may be limited to the payment of five  
23 thousand dollars. The bond shall be contingent on the accounting by  
24 the adjuster to any insured whose claim he or she is handling, for  
25 moneys or any settlement received in connection therewith.

26 (2) Any such bond shall remain in force until the surety is  
27 released from liability by the commissioner, or until canceled by the  
28 surety. Without prejudice to any liability accrued prior to  
29 cancellation, the surety may cancel a bond upon thirty days advance  
30 notice in writing filed with the commissioner.

31 (3) Such bond shall be required of any adjuster acting as a public  
32 adjuster as of the effective date of this code, or thereafter under any  
33 unexpired license heretofore issued.

34 **Sec. 7064.** RCW 48.18.020 and 1973 1st ex.s. c 163 s 2 are each  
35 amended to read as follows:

36 (1) Any person eighteen years or older shall be considered of full

1 legal age and may contract for or with respect to insurance. Any  
2 person seventeen years or younger shall be considered a minor for  
3 purposes of Title 48 RCW.

4 (2) A minor not less than fifteen years of age as at nearest  
5 birthday may, notwithstanding such minority, contract for life or  
6 disability insurance on his or her own life or body, for his or her own  
7 benefit or for the benefit of his or her father, mother, spouse, child,  
8 brother, sister, or grandparent, and may exercise all rights and powers  
9 with respect to or under the contract as though of full legal age, and  
10 may surrender his or her interest therein and give a valid discharge  
11 for any benefit accruing or money payable thereunder. The minor shall  
12 not, by reason of his minority, be entitled to rescind, avoid, or  
13 repudiate the contract, or any exercise of a right or privilege  
14 thereunder, except, that such minor, not otherwise emancipated, shall  
15 not be bound by any unperformed agreement to pay, by promissory note or  
16 otherwise any premium on any such insurance contract.

17 **Sec. 7065.** RCW 48.18.050 and 1947 c 79 s .18.05 are each amended  
18 to read as follows:

19 When the name of a person intended to be insured is specified in  
20 the policy, such insurance can be applied only to his or her own proper  
21 interest. This section shall not apply to life and disability  
22 insurances.

23 **Sec. 7066.** RCW 48.18.070 and 1947 c 79 s .18.07 are each amended  
24 to read as follows:

25 (1) Any application for insurance in writing by the applicant shall  
26 be altered solely by the applicant or by his or her written consent,  
27 except that insertions may be made by the insurer for administrative  
28 purposes only in such manner as to indicate clearly that such  
29 insertions are not to be ascribed to the applicant. Violation of this  
30 provision shall be a misdemeanor.

31 (2) Any insurer issuing an insurance contract upon such an  
32 application unlawfully altered by its officer, employee, or agent shall  
33 not have available in any action arising out of such contract, any  
34 defense which is based upon the fact of such alteration, or as to any  
35 item in the application which was so altered.

1       **Sec. 7067.** RCW 48.18.090 and 1947 c 79 s .18.09 are each amended  
2 to read as follows:

3       (1) Except as provided in subsection (2) of this section, no oral  
4 or written misrepresentation or warranty made in the negotiation of an  
5 insurance contract, by the insured or in his or her behalf, shall be  
6 deemed material or defeat or avoid the contract or prevent it  
7 attaching, unless the misrepresentation or warranty is made with the  
8 intent to deceive.

9       (2) In any application for life or disability insurance made in  
10 writing by the insured, all statements therein made by the insured  
11 shall, in the absence of fraud, be deemed representations and not  
12 warranties. The falsity of any such statement shall not bar the right  
13 to recovery under the contract unless such false statement was made  
14 with actual intent to deceive or unless it materially affected either  
15 the acceptance of the risk or the hazard assumed by the insurer.

16       **Sec. 7068.** RCW 48.18.120 and 1957 c 193 s 10 are each amended to  
17 read as follows:

18       (1) The commissioner shall, after hearing, from time to time  
19 promulgate such rules and regulations as may be necessary to define and  
20 effect reasonable uniformity in all basic contracts of fire insurance  
21 which are commonly known as the standard form fire policies and may be  
22 so referred to in this code, and the usual supplemental coverages,  
23 riders, or endorsements thereon or thereto, to the end that such  
24 definitions shall be applied in the construction of the various  
25 sections of this code wherein such terms are used and that there be a  
26 reasonable concurrency of contract where two or more insurers insure  
27 the same subject and risk. All such forms heretofore approved by the  
28 commissioner and for use as of immediately prior to the effective date  
29 of this code, may continue to be so used until the further order of the  
30 commissioner made pursuant to this subsection or pursuant to any other  
31 provision of this code.

32       (2) The commissioner may from time to time, after hearing,  
33 promulgate such rules and regulations as he or she deems necessary to  
34 establish reasonable minimum standard conditions and terminology for  
35 basic benefits to be provided by disability insurance contracts which  
36 are subject to chapters 48.20 and 48.21 RCW, for the purpose of  
37 expediting his or her approval of such contracts pursuant to this code.

1 No such promulgation shall be inconsistent with standard provisions as  
2 required pursuant to RCW 48.18.130, nor contain requirements  
3 inconsistent with requirements relative to the same benefit provision  
4 as formulated or approved by the National Association of Insurance  
5 Commissioners.

6 **Sec. 7069.** RCW 48.18.130 and 1947 c 79 s .18.13 are each amended  
7 to read as follows:

8 (1) Insurance contracts shall contain such standard provisions as  
9 are required by the applicable chapters of this code pertaining to  
10 contracts of particular kinds of insurance. The commissioner may waive  
11 the required use of a particular standard provision in a particular  
12 insurance contract form if

13 (a) he or she finds such provision unnecessary for the protection  
14 of the insured, and inconsistent with the purposes of the contract, and

15 (b) the contract is otherwise approved by him or her.

16 (2) No insurance contract shall contain any provision inconsistent  
17 with or contradictory to any such standard provision used or required  
18 to be used, but the commissioner may, except as to the standard  
19 provisions of individual disability insurance contracts as required  
20 under chapter 48.20 RCW, approve any provision which is in his or her  
21 opinion more favorable to the insured than the standard provision or  
22 optional standard provision otherwise required. No endorsement, rider,  
23 or other documents attached to such contract shall vary, extend, or in  
24 any respect conflict with any such standard provision, or with any  
25 modification thereof so approved by the commissioner as being more  
26 favorable to the insured.

27 (3) In lieu of the standard provisions required by this code for  
28 contracts for particular kinds of insurance, substantially similar  
29 standard provisions required by the law of a foreign or alien insurer's  
30 domicile may be used when approved by the commissioner.

31 **Sec. 7070.** RCW 48.18.293 and 1969 ex.s. c 241 s 21 are each  
32 amended to read as follows:

33 (1) There shall be no liability on the part of, and no cause of  
34 action of any nature shall arise against, the insurance commissioner,  
35 his or her agents, or members of his or her staff, or against any  
36 insurer, its authorized representative, its agents, its employees, or

1 any firm, person or corporation furnishing to the insurer information  
2 as to reasons for cancellation or refusal to renew, for any statement  
3 made by any of them in any written notice of cancellation or refusal to  
4 renew, or in any other communications, oral or written, specifying the  
5 reasons for cancellation or refusal to renew or the providing of  
6 information pertaining thereto, or for statements made or evidence  
7 submitted in any hearing conducted in connection therewith.

8 (2) Proof of mailing of notice of cancellation or refusal to renew  
9 or of reasons for cancellation, to the named insured, at the latest  
10 address filed with the insurer by or on behalf of the named insured  
11 shall be sufficient proof of notice.

12 **Sec. 7071.** RCW 48.18.340 and 1947 c 79 s .18.34 are each amended  
13 to read as follows:

14 (1) Every insurer issuing participating policies, shall pay  
15 dividends, unused premium refunds or savings distributed on account of  
16 any such policy, only to the real party in interest entitled thereto as  
17 shown by the insurer's records, or to any person to whom the right  
18 thereto has been assigned in writing of record with the insurer, or  
19 given in the policy by such real party in interest.

20 (2) Any person who is shown by the insurer's records to have paid  
21 for his or her own account, or to have been ultimately charged for, the  
22 premium for insurance provided by a policy in which another person is  
23 the nominal insured, shall be deemed such real party in interest  
24 proportionate to premium so paid or so charged. This subsection shall  
25 not apply as to any such dividend, refund, or distribution which would  
26 amount to less than one dollar.

27 (3) This section shall not apply to contracts of group life  
28 insurance, group annuities, or group disability insurance.

29 **Sec. 7072.** RCW 48.18.375 and 1973 1st ex.s. c 163 s 3 are each  
30 amended to read as follows:

31 A person whose life is insured under a group insurance policy may,  
32 subject and pursuant to the terms of the policy, or pursuant to an  
33 arrangement between the insured, the group policyholder and the  
34 insurer, assign to any or all his or her spouse, children, parents, or  
35 a trust for the benefit of any or all of them, all or any part of his  
36 or her incidents of ownership, rights, title, and interests, both

1 present and future, under such policy including specifically, but not  
2 by way of limitation, the right to designate a beneficiary or  
3 beneficiaries thereunder and the right to have an individual policy  
4 issued to him in case of termination of employment or of said group  
5 insurance policy. Such an assignment by the insured, made either  
6 before or after July 16, 1973, is valid for the purpose of vesting in  
7 the assignee, in accordance with any provisions included therein as to  
8 the time at which it is to be effective, all of such incidents of  
9 ownership, rights, title, and interests so assigned, but without  
10 prejudice to the insurer on account of any payment it may make or  
11 individual policy it may issue prior to receipt of notice of the  
12 assignment. This section acknowledges, declares, and codifies the  
13 existing right of assignment of interests under group insurance  
14 policies.

15 **Sec. 7073.** RCW 48.18.400 and 1947 c 79 s .18.40 are each amended  
16 to read as follows:

17 The proceeds or avails of all contracts of disability insurance and  
18 of provisions providing benefits on account of the insured's disability  
19 which are supplemental to life insurance or annuity contracts  
20 heretofore or hereafter effected shall be exempt from all liability for  
21 any debt of the insured, and from any debt of the beneficiary existing  
22 at the time the proceeds are made available for his or her use.

23 **Sec. 7074.** RCW 48.18.410 and 1947 c 79 s .18.41 are each amended  
24 to read as follows:

25 (1) The lawful beneficiary, assignee, or payee of a life insurance  
26 policy, other than an annuity, heretofore or hereafter effected by any  
27 person on his or her own life, or on the life of another, in favor of  
28 a person other than himself or herself, shall be entitled to the  
29 proceeds and avails of the policy against the creditors and  
30 representatives of the insured and of the person effecting the  
31 insurance, and such proceeds and avails shall also be exempt from all  
32 liability for any debt of such beneficiary, existing at the time the  
33 proceeds or avails are made available for his or her own use.

34 (2) The provisions of subsection (1) of this section shall apply

35 (a) whether or not the right to change the beneficiary is reserved  
36 or permitted in the policy; or

1 (b) whether or not the policy is made payable to the person whose  
2 life is insured or to his or her estate if the beneficiary, assignee or  
3 payee shall predecease such person; except, that this subsection shall  
4 not be construed so as to defeat any policy provision which provides  
5 for disposition of proceeds in the event the beneficiary shall  
6 predecease the insured.

7 (3) The exemptions provided by subsection (1) of this section,  
8 subject to the statute of limitations, shall not apply

9 (a) to any claim to or interest in such proceeds or avails by or on  
10 behalf of the insured, or the person so effecting the insurance, or  
11 their administrators or executors, in whatever capacity such claim is  
12 made or such interest is asserted; or

13 (b) to any claim to or interest in such proceeds or avails by or on  
14 behalf of any person to whom rights thereto have been transferred with  
15 intent to defraud creditors; but an insurer shall be liable to all such  
16 creditors only as to amounts aggregating not to exceed the amount of  
17 such proceeds or avails remaining in the insurer's possession at the  
18 time the insurer receives at its home office written notice by or on  
19 behalf of such creditors, of claims to recover for such transfer, with  
20 specification of the amounts claimed; or

21 (c) to so much of such proceeds or avails as equals the amount of  
22 any premiums or portion thereof paid for the insurance with intent to  
23 defraud creditors, with interest thereon, and if prior to the payment  
24 of such proceeds or avails the insurer has received at its home office  
25 written notice by or on behalf of the creditor, of a claim to recover  
26 for premiums paid with intent to defraud creditors, with specification  
27 of the amount claimed.

28 (4) For the purposes of subsection (1) of this section a policy  
29 shall also be deemed to be payable to a person other than the insured  
30 if and to the extent that a facility-of-payment clause or similar  
31 clause in the policy permits the insurer to discharge its obligation  
32 after the death of the individual insured by paying the death benefits  
33 to a person as permitted by such clause.

34 (5) No person shall be compelled to exercise any rights, powers,  
35 options or privileges under any such policy.

36 **Sec. 7075.** RCW 48.18.420 and 1947 c 79 s .18.42 are each amended  
37 to read as follows:

1 (1) A policy of group life insurance or the proceeds thereof  
2 payable to the individual insured or to the beneficiary thereunder,  
3 shall not be liable, either before or after payment, to be applied to  
4 any legal or equitable process to pay any liability of any person  
5 having a right under the policy. The proceeds thereof, when not made  
6 payable to a named beneficiary or to a third person pursuant to a  
7 facility-of-payment clause, shall not constitute a part of the estate  
8 of the individual insured for the payment of his or her debts.

9 (2) This section shall not apply to group life insurance policies  
10 issued under RCW 48.24.040 (debtor groups) to the extent that such  
11 proceeds are applied to payment of the obligation for the purpose of  
12 which the insurance was so issued.

13 **Sec. 7076.** RCW 48.18.440 and 1947 c 79 s .18.44 are each amended  
14 to read as follows:

15 (1) Every life insurance policy heretofore or hereafter made  
16 payable to or for the benefit of the spouse of the insured, and every  
17 life insurance policy heretofore or hereafter assigned, transferred, or  
18 in any way made payable to a spouse or to a trustee for the benefit of  
19 a spouse, regardless of how such assignment or transfer is procured,  
20 shall, unless contrary to the terms of the policy, inure to the  
21 separate use and benefit of such spouse: PROVIDED, That the beneficial  
22 interest of a spouse in a policy upon the life of a child of the  
23 spouses, however such interest is created, shall be deemed to be a  
24 community interest and not a separate interest, unless expressly  
25 otherwise provided by the policy.

26 (2) In any life insurance policy heretofore or hereafter issued  
27 upon the life of a spouse the designation heretofore or hereafter made  
28 by such spouse of a beneficiary in accordance with the terms of the  
29 policy, shall create a presumption that such beneficiary was so  
30 designated with the consent of the other spouse, but only as to any  
31 beneficiary who is the child, parent, brother, or sister of either of  
32 the spouses. The insurer may in good faith rely upon the  
33 representations made by the insured as to the relationship to him or  
34 her of any such beneficiary.

35 **Sec. 7077.** RCW 48.18.450 and 1963 c 227 s 1 are each amended to  
36 read as follows:

1 Life insurance may be made payable to a trustee to be named as  
2 beneficiary in the policy and the proceeds of such insurance paid to  
3 such trustee shall be held and disposed of by the trustee as provided  
4 in a trust agreement or declaration of trust made by the insured during  
5 his or her lifetime. It shall not be necessary to the validity of any  
6 such trust agreement or declaration of trust that it have a trust  
7 corpus other than the right of the trustee to receive such insurance  
8 proceeds as beneficiary, and any such trustee may also receive assets,  
9 other than insurance proceeds, by testamentary disposition and  
10 administer them according to the terms of the trust agreement or  
11 declaration of trust as they exist at the death of the testator.

12 **Sec. 7078.** RCW 48.18A.020 and 1973 1st ex.s. c 163 s 4 are each  
13 amended to read as follows:

14 A domestic life insurer may, by or pursuant to resolution of its  
15 board of directors, establish one or more separate accounts, and may  
16 allocate thereto amounts (including without limitation proceeds applied  
17 under optional modes of settlement or under dividend options) to  
18 provide for life insurance or annuities (and other benefits incidental  
19 thereto), payable in fixed or variable amounts or both, subject to the  
20 following:

21 (1) The income, gains, and losses, realized or unrealized, from  
22 assets allocated to a separate account shall be credited to or charged  
23 against the account, without regard to other income, gains, or losses  
24 of the insurer.

25 (2)(a) Except as hereinafter provided, amounts allocated to any  
26 separate account and accumulations thereon may be invested and  
27 reinvested without regard to any requirements or limitations prescribed  
28 by the laws of this state governing the investments of life insurers:  
29 PROVIDED, That to the extent that the insurer's reserve liability with  
30 regard to (i) benefits guaranteed as to dollar amount and duration, and  
31 (ii) funds guaranteed as to principal amount or stated rate of interest  
32 is maintained in any separate account, a portion of the assets of such  
33 separate account at least equal to such reserve liability shall be  
34 invested under such conditions as the commissioner may prescribe. The  
35 investments in such separate account or accounts shall not be taken  
36 into account in applying the investment limitations applicable to the  
37 investments of the insurer.

1 (b) With respect to seventy-five percent of the market value of the  
2 total assets in a separate account no insurer shall purchase or  
3 otherwise acquire the securities of any issuer, other than securities  
4 issued or guaranteed as to principal or interest by the United States,  
5 if immediately after such purchase or acquisition the market value of  
6 such investment, together with prior investments of such separate  
7 account in such security taken at market value, would exceed ten  
8 percent of the market value of the assets of such separate account:  
9 PROVIDED, That the commissioner may waive such limitation if, in his or  
10 her opinion, such waiver will not render the operation of such separate  
11 account hazardous to the public or the policyholders in this state.

12 (c) Unless otherwise permitted by law or approved by the  
13 commissioner, no insurer shall purchase or otherwise acquire for its  
14 separate accounts the voting securities of any issuer if as a result of  
15 such acquisition the insurer and its separate accounts, in the  
16 aggregate, will own more than ten percent of the total issued and  
17 outstanding voting securities of such issuer: PROVIDED, That the  
18 foregoing shall not apply with respect to securities held in separate  
19 accounts, the voting rights in which are exercisable only in accordance  
20 with instructions from persons having interests in such accounts.

21 (d) The limitations provided in paragraphs (b) and (c) of this  
22 subsection shall not apply to the investment with respect to a separate  
23 account in the securities of an investment company registered under the  
24 United States Investment Company Act of 1940: PROVIDED, That the  
25 investments of such investment company shall comply in substance  
26 therewith.

27 (3) Unless otherwise approved by the commissioner, assets allocated  
28 to a separate account shall be valued at their market value on the date  
29 of valuation, or if there is no readily available market, then as  
30 provided under the terms of the contract or the rules or other written  
31 agreement applicable to such separate account: PROVIDED, That unless  
32 otherwise approved by the commissioner, the portion, if any, of the  
33 assets of such separate account equal to the insurer's reserve  
34 liability with regard to the guaranteed benefits and funds referred to  
35 in subsection (2) of this section shall be valued in accordance with  
36 the rules otherwise applicable to the insurer's assets.

37 (4) Amounts allocated to a separate account in the exercise of the  
38 power granted by this chapter shall be owned by the insurer and the

1 insurer shall not be, nor hold itself out to be, a trustee with respect  
2 to such amounts. If and to the extent so provided under the applicable  
3 contracts, that portion of the assets of any such separate account  
4 equal to the reserves and other contract liabilities with respect to  
5 such account shall not be chargeable with liabilities arising out of  
6 any other business the insurer may conduct.

7 (5) No sale, exchange or other transfer of assets may be made by an  
8 insurer between any of its separate accounts or between any other  
9 investment account and one or more of its separate accounts unless, in  
10 case of a transfer into a separate account, such transfer is made  
11 solely to establish the account or to support the operation of the  
12 contracts with respect to the separate account to which the transfer is  
13 made, and unless such transfer, whether into or from a separate  
14 account, is made (a) by a transfer of cash, or (b) by a transfer of  
15 securities having a readily determinable market value: PROVIDED, That  
16 such transfer of securities is approved by the commissioner. The  
17 commissioner may approve other transfers among such accounts, if, in  
18 his or her opinion, such transfers would not be inequitable.

19 (6) To the extent such insurer deems it necessary to comply with  
20 any applicable federal or state law, such insurer, with respect to any  
21 separate account, including without limitation any separate account  
22 which is a management investment company or a unit investment trust,  
23 may provide for persons having interest therein, as may be appropriate,  
24 voting and other rights and special procedures for the conduct of the  
25 business of such account, including without limitation, special rights  
26 and procedures relating to investment policy, investment advisory  
27 services, selection of independent public accountants, and the  
28 selection of a committee, the members of which need not be otherwise  
29 affiliated with such insurer, to manage the business of such account.

30 **Sec. 7079.** RCW 48.19.080 and 1981 c 339 s 18 are each amended to  
31 read as follows:

32 Under such rules and regulations as he or she shall adopt the  
33 commissioner may, by order, suspend or modify the requirement of filing  
34 as to any kind of insurance. Such orders, rules and regulations shall  
35 be made known to insurers and rating organizations affected thereby.  
36 The commissioner may make such examination as he or she may deem

1 advisable to ascertain whether any rates affected by such order meet  
2 the standard prescribed in RCW 48.19.020.

3 **Sec. 7080.** RCW 48.19.090 and 1947 c 79 s .19.09 are each amended  
4 to read as follows:

5 Upon written application of the insured, stating his or her reasons  
6 therefor, filed with and approved by the commissioner, a rate in excess  
7 of that provided by a filing otherwise applicable may be used on any  
8 specific risk.

9 **Sec. 7081.** RCW 48.19.100 and 1989 c 25 s 6 are each amended to  
10 read as follows:

11 If within the waiting period or any extension thereof as provided  
12 in RCW 48.19.060, the commissioner finds that a filing does not meet  
13 the requirements of this chapter, he or she shall disapprove such  
14 filing, and shall give notice of such disapproval, specifying the  
15 respect in which he or she finds the filing fails to meet such  
16 requirements, and stating that the filing shall not become effective,  
17 to the insurer or rating organization which made the filing.

18 **Sec. 7082.** RCW 48.19.110 and 1947 c 79 s .19.11 are each amended  
19 to read as follows:

20 (1) If within thirty days after a special filing subject to RCW  
21 48.19.070 has become effective, the commissioner finds that the filing  
22 does not meet the requirements of this chapter, he or she shall  
23 disapprove the filing and shall give notice to the insurer or rating  
24 organization which made the filing, specifying in what respects he or  
25 she finds that the filing fails to meet such requirements and stating  
26 when, within a reasonable period thereafter, the filing shall be deemed  
27 no longer effective.

28 (2) Such disapproval shall not affect any contract made or issued  
29 prior to the expiration of the period set forth in the notice of  
30 disapproval.

31 **Sec. 7083.** RCW 48.19.120 and 1989 c 25 s 7 are each amended to  
32 read as follows:

33 (1) If at any time subsequent to the applicable review period  
34 provided in RCW 48.19.060 or 48.19.110, the commissioner finds that a

1 filing does not meet the requirements of this chapter, he or she shall,  
2 after a hearing, notice of which was given to every insurer and rating  
3 organization which made such filing, issue his or her order specifying  
4 in what respect he or she finds that such filing fails to meet the  
5 requirements of this chapter, and stating when, within a reasonable  
6 period thereafter, the filings shall be deemed no longer effective.

7 (2) Such order shall not affect any contract or policy made or  
8 issued prior to the expiration of the period set forth in the order.

9 (3) Any person aggrieved with respect to any filing then in effect,  
10 other than the insurer or rating organization which made the filing,  
11 may make written application to the commissioner for a hearing thereon.  
12 The application shall specify the grounds to be relied upon by the  
13 applicant. If the commissioner finds that the application is made in  
14 good faith, that the applicant would be so aggrieved if his or her  
15 grounds are established, and that such grounds otherwise justify  
16 holding the hearing, he or she shall, within thirty days after receipt  
17 of the application, hold a hearing as required in subsection (1) of  
18 this section.

19 **Sec. 7084.** RCW 48.19.180 and 1947 c 79 s .19.18 are each amended  
20 to read as follows:

21 (1) If the commissioner finds that the applicant for a license as  
22 a rating organization is competent, trustworthy and otherwise qualified  
23 so to act, and that its constitution, articles of agreement or  
24 association or certificate of incorporation or trust agreement, and its  
25 bylaws, rules and regulations governing the conduct of its business  
26 conform to the requirements of law, he or she shall, upon payment of a  
27 license fee of twenty-five dollars, issue a license specifying the  
28 kinds of insurance, or subdivisions or class of risk or part or  
29 combination thereof for which the applicant is authorized to act as a  
30 rating organization.

31 (2) The commissioner shall grant or deny in whole or in part every  
32 such application within sixty days of the date of its filing with him  
33 or her.

34 (3) A license issued pursuant to this section shall remain in  
35 effect for three years unless sooner suspended or revoked by the  
36 commissioner.

1       **Sec. 7085.** RCW 48.19.190 and 1947 c 79 s .19.19 are each amended  
2 to read as follows:

3       (1) The commissioner may, after a hearing, suspend or revoke the  
4 license issued to a rating organization for any of the following  
5 causes:

6       (a) If he or\_she finds that the licensee no longer meets the  
7 qualifications for the license.

8       (b) For failure to comply with an order of the commissioner within  
9 the time limited by the order, or any extension thereof which the  
10 commissioner may grant.

11       (2) The commissioner shall not so suspend or revoke a license for  
12 failure to comply with an order until the time prescribed by this code  
13 for an appeal from such order to the superior court has expired or if  
14 such appeal has been taken, until such order has been affirmed.

15       (3) The commissioner may determine when a suspension or revocation  
16 of license shall become effective. A suspension of license shall  
17 remain in effect for the period fixed by him or\_her, unless he or\_she  
18 modifies or rescinds the suspension, or until the order, failure to  
19 comply with which constituted grounds for the suspension, is modified,  
20 rescinded or reversed.

21       **Sec. 7086.** RCW 48.19.220 and 1947 c 79 s .19.22 are each amended  
22 to read as follows:

23       (1) The reasonableness of any rule or regulation in its application  
24 to subscribers, or the refusal of any rating organization to admit an  
25 insurer as a subscriber, shall, at the request of any subscriber or any  
26 such insurer, be reviewed by the commissioner at a hearing held upon  
27 notice to the rating organization, and to the subscriber or insurer.

28       (2) If the commissioner finds that such rule or regulation is  
29 unreasonable in its application to subscribers, he or\_she shall order  
30 that such rule or regulation shall not be applicable to subscribers who  
31 are not members of the rating organization.

32       (3) If a rating organization fails to grant or reject an insurer's  
33 application for subscribership within thirty days after it was made,  
34 the insurer may request a review by the commissioner as if the  
35 application had been rejected. If the commissioner finds that the  
36 insurer has been refused admittance to the rating organization as a  
37 subscriber without justification, he or\_she shall order the rating

1 organization to admit the insurer as a subscriber. If he or she finds  
2 that the action of the rating organization was justified, he or she  
3 shall make an order affirming its action.

4 **Sec. 7087.** RCW 48.19.250 and 1947 c 79 s .19.25 are each amended  
5 to read as follows:

6 (1) Cooperation among rating organizations or among rating  
7 organizations and insurers in rate making or in other matters within  
8 the scope of this chapter is hereby authorized, if the filings  
9 resulting from such cooperation are subject to all the provisions of  
10 this chapter which are applicable to filings generally.

11 (2) The commissioner may review such cooperative activities and  
12 practices and if, after a hearing, he or she finds that any such  
13 activity or practice is unfair or unreasonable or otherwise  
14 inconsistent with the provisions of this code, he or she may issue a  
15 written order specifying in what respect such activity or practice is  
16 so unfair, unreasonable, or inconsistent, and requiring the  
17 discontinuance of such activity or practice.

18 **Sec. 7088.** RCW 48.19.290 and 1947 c 79 s .19.29 are each amended  
19 to read as follows:

20 (1) Any subscriber to a rating organization may appeal to the  
21 commissioner from the rating organization's action or decision in  
22 approving or rejecting any proposed change in or addition to the rating  
23 organization's filings. The commissioner shall, after a hearing on the  
24 appeal:

25 (a) Issue an order approving the rating organization's action or  
26 decision or directing it to give further consideration to such  
27 proposal; or

28 (b) If the appeal is from the rating organization's action or  
29 decision in rejecting a proposed addition to its filings, he or she  
30 may, in event he or she finds that the action or decision was  
31 unreasonable, issue an order directing the rating organization to make  
32 an addition to its filings, on behalf of its subscribers, in a manner  
33 consistent with his or her findings, within a reasonable time after the  
34 issuance of such order.

35 (2) If such appeal is based upon the rating organization's failure  
36 to make a filing on behalf of such subscriber which is based on a

1 system of expense provisions which differs, in accordance with the  
2 right granted in subdivision (2) of RCW 48.19.030, from the system of  
3 expense provisions included in a filing made by the rating  
4 organization, the commissioner shall, if he or she grants the appeal,  
5 order the rating organization to make the requested filing for use by  
6 the appellant. In deciding the appeal the commissioner shall apply the  
7 standards set forth in RCW 48.19.020 and 48.19.030.

8 **Sec. 7089.** RCW 48.19.310 and 1947 c 79 s .19.31 are each amended  
9 to read as follows:

10 Every rating organization and every insurer which makes its own  
11 rates shall provide within this state reasonable means whereby any  
12 person aggrieved by the application of its rating system may be heard,  
13 in person or by his or her authorized representative, on his or her  
14 written request to review the manner in which such rating system has  
15 been applied in connection with the insurance afforded him or her. If  
16 the rating organization or insurer fails to grant or reject such  
17 request within thirty days after it is made, the applicant may proceed  
18 in the same manner as if his or her application had been rejected. Any  
19 party affected by the action of such rating organization or such  
20 insurer on such request may, within thirty days after written notice of  
21 such action, appeal to the commissioner, who, after a hearing held upon  
22 notice to the appellant and to the rating organization or insurer, may  
23 affirm or reverse such action.

24 **Sec. 7090.** RCW 48.19.330 and 1947 c 79 s .19.33 are each amended  
25 to read as follows:

26 Every advisory organization before serving as such to any rating  
27 organization or independently filing insurer doing business in this  
28 state, shall file with the commissioner:

29 (1) A copy of its constitution, its articles of agreement or  
30 association or its certificate of incorporation and of its bylaws,  
31 rules and regulations governing its activities;

32 (2) A list of its members;

33 (3) The name and address of a resident of this state upon whom  
34 notices or orders of the commissioner or process issued at his or her  
35 direction may be served; and

1 (4) An agreement that the commissioner may examine such advisory  
2 organization in accordance with the provisions of RCW 48.03.010.

3 **Sec. 7091.** RCW 48.19.340 and 1947 c 79 s .19.34 are each amended  
4 to read as follows:

5 If, after a hearing, the commissioner finds that the furnishing of  
6 information or assistance by an advisory organization, as referred to  
7 in RCW 48.19.320, involves any act or practice which is unfair or  
8 unreasonable or otherwise inconsistent with the provisions of this  
9 code, he or she may issue a written order specifying in what respect  
10 such act or practice is unfair or unreasonable or so otherwise  
11 inconsistent, and requiring the discontinuance of such act or practice.

12 **Sec. 7092.** RCW 48.19.350 and 1947 c 79 s .19.35 are each amended  
13 to read as follows:

14 No insurer which makes its own filing nor any rating organization  
15 shall support its filings by statistics or adopt rate making  
16 recommendations, furnished to it by an advisory organization which has  
17 not complied with this chapter or with any order of the commissioner  
18 involving such statistics or recommendations issued under RCW  
19 48.19.340. If the commissioner finds such insurer or rating  
20 organization to be in violation of this section he or she may issue an  
21 order requiring the discontinuance of the violation.

22 **Sec. 7093.** RCW 48.19.360 and 1947 c 79 s .19.36 are each amended  
23 to read as follows:

24 (1) Every group, association or other organization of insurers  
25 which engages in joint underwriting or joint reinsurance, shall be  
26 subject to regulation with respect thereto as is provided in this  
27 section, subject, however, with respect to joint underwriting, to all  
28 other provisions of this chapter, and, with respect to joint  
29 reinsurance, to RCW 48.19.270, 48.01.080 and 48.19.430; and to chapter  
30 48.03 RCW of this code.

31 (2) If, after a hearing, the commissioner finds that any activity  
32 or practice of any such group, association or other organization is  
33 unfair or unreasonable or otherwise inconsistent with the provisions of  
34 this chapter, he or she may issue a written order specifying in what

1 respects such activity or practice is unfair, or unreasonable or so  
2 inconsistent, and requiring the discontinuance of the activity or  
3 practice.

4 **Sec. 7094.** RCW 48.19.370 and 1947 c 79 s .19.37 are each amended  
5 to read as follows:

6 (1) The commissioner shall promulgate reasonable rules and  
7 statistical plans, reasonably adapted to each of the rating systems on  
8 file with him or her, which may be modified from time to time and which  
9 shall be used thereafter by each insurer in the recording and reporting  
10 of its loss and countrywide expense experience, in order that the  
11 experience of all insurers may be made available at least annually in  
12 such form and detail as may be necessary to aid him or her in  
13 determining whether rating systems comply with the standards set forth  
14 in RCW 48.19.020 and 48.19.030. Such rules and plans may also provide  
15 for the recording and reporting of expense experience items which are  
16 specially applicable to this state and are not susceptible of  
17 determination by a prorating of countrywide expense experience.

18 (2) In promulgating such rules and plans, the commissioner shall  
19 give due consideration to the rating systems on file with him or her  
20 and, in order that such rules and plans may be as uniform as is  
21 practicable among the several states, to the rules and to the form of  
22 the plans used for such rating systems in other states.

23 (3) No insurer shall be required to record or report its loss  
24 experience on a classification basis that is inconsistent with the  
25 rating system filed by it.

26 (4) The commissioner may designate one or more rating organizations  
27 or other agencies to assist him or her in gathering such experience and  
28 making compilations thereof, and such compilations shall be made  
29 available, subject to reasonable rules promulgated by the commissioner,  
30 to insurers and rating organizations.

31 (5) Reasonable rules and plans may be promulgated by the  
32 commissioner for the interchange of data necessary for the application  
33 of rating plans.

34 **Sec. 7095.** RCW 48.19.410 and 1983 1st ex.s. c 32 s 8 are each  
35 amended to read as follows:

36 (1) The commissioner may permit the organization and operation of

1 examining bureaus for the examination of policies, daily reports,  
2 binders, renewal certificates, endorsements, and other evidences of  
3 insurance or of the cancellation thereof, for the purpose of  
4 ascertaining that lawful rates are being charged.

5 (2) A bureau shall examine documents with regard to such kinds of  
6 insurance as the commissioner may, after hearing, reasonably require to  
7 be submitted for examination. A bureau may examine documents as to  
8 such other kinds of insurance as the issuing insurers may voluntarily  
9 submit for examination. Upon request of the commissioner, a bureau  
10 shall also examine affidavits filed pursuant to RCW 48.15.040, surplus  
11 lines contracts and related documents, and shall make recommendations  
12 to the commissioner to assist the commissioner in determining whether  
13 surplus lines have been procured in accordance with chapter 48.15 RCW  
14 and rules issued thereunder.

15 (3) No bureau shall operate unless licensed by the commissioner as  
16 to the kinds of insurance as to which it is permitted so to examine.  
17 To qualify for a license a bureau shall:

18 (a) Be owned in trust for the benefit of all the insurers regularly  
19 using its services, under a trust agreement approved by the  
20 commissioner.

21 (b) Make its services available without discrimination to all  
22 authorized insurers applying therefor, subject to such reasonable rules  
23 and regulations as to the obligations of insurers using its services,  
24 as to the conduct of its affairs, and as to the correction of errors  
25 and omissions in documents examined by it as are approved by the  
26 commissioner.

27 (c) Have no manager or other employee who is an employee of an  
28 insurer other than to the extent that he or she is an employee of the  
29 bureau owned by insurers through such trust agreement.

30 (d) Pay to the commissioner a fee of ten dollars for issuance of  
31 its license.

32 (4) Such license shall be of indefinite duration and shall remain  
33 in force until revoked by the commissioner or terminated at the request  
34 of the bureau. The commissioner may revoke the license, after hearing,

35 (a) if the bureau is no longer qualified therefor;

36 (b) if the bureau fails to comply with a proper order of the  
37 commissioner;

1 (c) if the bureau violates or knowingly participates in the  
2 violation of any provision of this code.

3 (5) Any person aggrieved by any rule, regulation, act or omission  
4 of a bureau may appeal to the commissioner therefrom. The commissioner  
5 shall hold a hearing upon such appeal, and shall make such order upon  
6 the hearing as he or she deems to be proper.

7 (6) Every such bureau operating in this state shall be subject to  
8 the supervision of the commissioner, and the commissioner shall examine  
9 it as provided in chapter 48.03 RCW of this code.

10 (7) Every examining bureau shall keep adequate records of the  
11 outstanding errors and omissions found in coverages examined by it and  
12 of its receipts and disbursements, and shall hold as confidential all  
13 information contained in documents submitted to it for examination.

14 (8) The commissioner shall not license an additional bureau for the  
15 examination of documents relative to a kind of insurance if such  
16 documents are being examined by a then existing licensed bureau. Any  
17 examining bureau operating in this state immediately prior to the  
18 effective date of this code under any law of this state repealed as of  
19 such date, shall have prior right to apply for and secure a license  
20 under this section.

21 **Sec. 7096.** RCW 48.20.062 and 1951 c 229 s 7 are each amended to  
22 read as follows:

23 There shall be a provision as follows:

24 GRACE PERIOD: A grace period of . . . . (insert a number not less  
25 than "7" for weekly premium policies, "10" for monthly premium  
26 policies, and "31" for all other policies) days will be granted for the  
27 payment of each premium falling due after the first premium, during  
28 which grace period the policy shall continue in force.

29 (A policy which contains a cancellation provision may add, at the  
30 end of the above provision: "subject to the right of the insurer to  
31 cancel in accordance with the cancellation provision hereof."

32 A policy in which the insurer reserves the right to refuse any  
33 renewal shall have, at the beginning of the above provision: "Unless  
34 not less than five days prior to the premium due date the insurer has  
35 delivered to the insured or has mailed to his or her last address as  
36 shown by the records of the insurer written notice of its intention not

1 to renew this policy beyond the period for which the premium has been  
2 accepted.")

3 **Sec. 7097.** RCW 48.20.082 and 1951 c 229 s 9 are each amended to  
4 read as follows:

5 There shall be a provision as follows:

6 NOTICE OF CLAIM: Written notice of claim must be given to the  
7 insurer within twenty days after the occurrence or commencement of any  
8 loss covered by the policy, or as soon thereafter as is reasonably  
9 possible. Notice given by or on behalf of the insured or the  
10 beneficiary to the insurer at . . . . . (insert the location of  
11 such office as the insurer may designate for the purpose), or to any  
12 authorized agent of the insurer, with information sufficient to  
13 identify the insured, shall be deemed notice to the insurer.

14 (In a policy providing a loss-of-time benefit which may be payable  
15 for at least two years, an insurer may at its option insert the  
16 following between the first and second sentences of the above  
17 provision:

18 "Subject to the qualifications set forth below, if the insured  
19 suffers loss of time on account of disability for which indemnity may  
20 be payable for at least two years, he or she shall at least once in  
21 every six months after having given notice of claim, give to the  
22 insurer notice of continuance of said disability, except in the event  
23 of legal incapacity. The period of six months following any filing of  
24 proof by the insured or any payment by the insurer on account of such  
25 claim or any denial of liability in whole or in part by the insurer  
26 shall be excluded in applying this provision. Delay in the giving of  
27 such notice shall not impair the insured's right to any indemnity which  
28 would otherwise have accrued during the period of six months preceding  
29 the date on which such notice is actually given.")

30 **Sec. 7098.** RCW 48.20.172 and 1951 c 229 s 18 are each amended to  
31 read as follows:

32 There may be a provision as follows:

33 CHANGE OF OCCUPATION: If the insured be injured or contract  
34 sickness after having changed his occupation to one classified by the  
35 insurer as more hazardous than that stated in this policy or while  
36 doing for compensation anything pertaining to an occupation so

1 classified, the insurer will pay only such portion of the indemnities  
2 provided in this policy as the premium paid would have purchased at the  
3 rates and within the limits fixed by the insurer for such more  
4 hazardous occupation. If the insured changes his or her occupation to  
5 one classified by the insurer as less hazardous than that stated in  
6 this policy, the insurer, upon receipt of proof of such change of  
7 occupation, will reduce the premium rate accordingly, and will return  
8 the excess pro rata unearned premium from the date of change of  
9 occupation or from the policy anniversary date immediately preceding  
10 receipt of such proof, whichever is the more recent. In applying this  
11 provision, the classification of occupational risk and the premium  
12 rates shall be such as have been last filed by the insurer prior to the  
13 occurrence of the loss for which the insurer is liable or prior to date  
14 of proof of change in occupation with the state official having  
15 supervision of insurance in the state where the insured resided at the  
16 time this policy was issued; but if such filing was not required, then  
17 the classification of occupational risk and the premium rates shall be  
18 those last made effective by the insurer in such state prior to the  
19 occurrence of the loss or prior to the date of proof of change in  
20 occupation.

21 **Sec. 7099.** RCW 48.20.192 and 1951 c 229 s 20 are each amended to  
22 read as follows:

23 There may be a provision as follows:

24 OTHER INSURANCE IN THIS INSURER: If an accident or sickness or  
25 accident and sickness policy or policies previously issued by the  
26 insurer to the insured be in force concurrently herewith, making the  
27 aggregate indemnity for . . . . . (insert type of coverage or  
28 coverages) in excess of \$. . . . . (insert maximum limit of indemnity  
29 or indemnities) the excess insurance shall be void and all premiums  
30 paid for such excess shall be returned to the insured or to his estate.

31 Or, in lieu thereof:

32 Insurance effective at any one time on the insured under a like  
33 policy or policies in this insurer is limited to the one such policy  
34 elected by the insured, his or her beneficiary or his estate, as the  
35 case may be, and the insurer will return all premiums paid for all  
36 other such policies.

1       **Sec. 7100.** RCW 48.20.222 and 1987 c 185 s 28 are each amended to  
2 read as follows:

3       (1) There may be a provision as follows:

4       RELATION OF EARNINGS TO INSURANCE: If the total monthly amount of  
5 loss of time benefits promised for the same loss under all valid loss  
6 of time coverage upon the insured, whether payable on a weekly or  
7 monthly basis, shall exceed the monthly earnings of the insured at the  
8 time disability commenced or his or her average monthly earnings for  
9 the period of two years immediately preceding a disability for which  
10 claim is made, whichever is the greater, the insurer will be liable  
11 only for such proportionate amount of such benefits under this policy  
12 as the amount of such monthly earnings of the insured bears to the  
13 total amount of monthly benefits for the same loss under all such  
14 coverage upon the insured at the time such disability commences and for  
15 the return of such part of the premiums paid during such two years as  
16 shall exceed the pro rata amount of the premiums for the benefits  
17 actually paid hereunder; but this shall not operate to reduce the total  
18 monthly amount of benefits payable under all such coverage upon the  
19 insured below the sum of two hundred dollars or the sum of the monthly  
20 benefits specified in such coverages, whichever is the lesser, nor  
21 shall it operate to reduce benefits other than those payable for loss  
22 of time.

23       (2) The foregoing policy provision may be inserted only in a policy  
24 which the insured has the right to continue in force subject to its  
25 terms by the timely payment of premiums (a) until at least age 50 or,  
26 (b) in the case of a policy issued after age 44, for at least five  
27 years from its date of issue. The insurer may, at its option, include  
28 in this provision a definition of "valid loss of time coverage,"  
29 approved as to form by the commissioner, which definition shall be  
30 limited in subject matter to coverage provided by governmental agencies  
31 or by organizations subject to regulation by insurance law or by  
32 insurance authorities of this or any other state of the United States  
33 or any province of Canada, or to any other coverage the inclusion of  
34 which may be approved by the commissioner or any combination of such  
35 coverages. In the absence of such definition such term shall not  
36 include any coverage provided for such insured pursuant to any  
37 compulsory benefit statute (including any workers' compensation or

1 employer's liability statute), or benefits provided by union welfare  
2 plans or by employer or employee benefit organizations.

3 **Sec. 7101.** RCW 48.20.242 and 1951 c 229 s 25 are each amended to  
4 read as follows:

5 There may be a provision as follows:

6 CANCELLATION: The insurer may cancel this policy at any time by  
7 written notice delivered to the insured, or mailed to his or her last  
8 address as shown by the records of the insurer, stating when, not less  
9 than five days thereafter, such cancellation shall be effective; and  
10 after the policy has been continued beyond its original term the  
11 insured may cancel this policy at any time by written notice delivered  
12 or mailed to the insurer, effective upon receipt or on such later date  
13 as may be specified in such notice. In the event of cancellation, the  
14 insurer will return promptly the unearned portion of any premium paid.  
15 If the insured cancels, the earned premium shall be computed by the use  
16 of the short-rate table last filed with the state official having  
17 supervision of insurance in the state where the insured resided when  
18 the policy was issued. If the insurer cancels, the earned premium  
19 shall be computed pro rata. Cancellation shall be without prejudice to  
20 any claim originating prior to the effective date of cancellation.

21 **Sec. 7102.** RCW 48.21.060 and 1947 c 79 s .21.06 are each amended  
22 to read as follows:

23 There shall be a provision that a copy of the application, if any,  
24 of the policyholder shall be attached to the policy when issued; that  
25 all statements made by the policyholder or by the individuals insured  
26 shall in the absence of fraud be deemed representations and not  
27 warranties, and that no statement made by any individual insured shall  
28 be used in any contest unless a copy of the instrument containing the  
29 statement is or has been furnished to such individual or to his or her  
30 beneficiary, if any.

31 **Sec. 7103.** RCW 48.21.110 and 1955 c 303 s 17 are each amended to  
32 read as follows:

33 The benefits payable under any policy or contract of group or  
34 blanket disability insurance shall be payable to the employee or other  
35 insured member of the group or to the beneficiary designated by him or

1 her, other than the policyholder, employer or the association or any  
2 officer thereof as such, subject to provisions of the policy in the  
3 event there is no designated beneficiary as to all or any part of any  
4 sum payable at the death of the individual insured.

5 The policy may provide that any hospital, medical, or surgical  
6 benefits thereunder may be made payable jointly to the insured employee  
7 or member and the person furnishing such hospital, medical, or surgical  
8 services.

9 **Sec. 7104.** RCW 48.21A.030 and 1965 ex.s. c 70 s 29 are each  
10 amended to read as follows:

11 Notwithstanding any other provision of this code or any other law  
12 which may be inconsistent herewith, any insurer may join with one or  
13 more other insurers, to plan, develop, underwrite, and offer and  
14 provide to any person who is sixty-five years of age or older and to  
15 the spouse of such person, extended health insurance against financial  
16 loss from accident or disease, or both. Such insurance may be offered,  
17 issued and administered jointly by two or more insurers by a group  
18 policy issued to a policyholder through an association formed for the  
19 purpose of offering, selling, issuing and administering such insurance.  
20 The policyholder may be an association, a trustee, or any other person.  
21 Any such policy may provide, among other things, that the benefits  
22 payable thereunder are subject to reduction if the individual insured  
23 has any other coverage providing hospital, surgical or medical benefits  
24 whether on an indemnity basis or a provision of service basis resulting  
25 in such insured being eligible for more than one hundred percent of  
26 covered expenses which he or she is required to pay, and any insurer  
27 issuing individual policies providing extended hospital, surgical or  
28 medical benefits to persons sixty-five years of age and older and their  
29 spouses may also use such a policy provision. A master group policy  
30 issued to an association or to a trustee or any person appointed by an  
31 association for the purpose of providing the insurances described in  
32 this section shall be another form of group disability insurance.

33 Any form of policy approved by the commissioner for an association  
34 shall be offered throughout Washington to all persons sixty-five and  
35 older and their spouses, and the coverage of any person insured under  
36 such a form of policy shall not be cancellable except for nonpayment of

1 premiums unless the coverage of all persons insured under such form of  
2 policy is also canceled.

3 **Sec. 7105.** RCW 48.21A.060 and 1965 ex.s. c 70 s 32 are each  
4 amended to read as follows:

5 The forms of the policies, applications, certificates or other  
6 evidence of insurance coverage and applicable premium rates relating  
7 thereto shall be filed with the commissioner. No such policy,  
8 contract, or other evidence of insurance, application or other form  
9 shall be sold, issued or used and no endorsement shall be attached to  
10 or printed or stamped thereon unless the form thereof shall have been  
11 approved by the commissioner or thirty days shall have expired after  
12 such filing without written notice from the commissioner of disapproval  
13 thereof. The commissioner shall disapprove the forms of such insurance  
14 if he or\_she finds that they are unjust, unfair, inequitable,  
15 misleading or deceptive or that the rates are by reasonable assumption  
16 excessive in relation to the benefits provided. In determining whether  
17 such rates by reasonable assumptions are excessive in relation to the  
18 benefits provided, the commissioner shall give due consideration to  
19 past and prospective claim experience, within and outside this state,  
20 and to fluctuations in such claim experience, to a reasonable risk  
21 charge, to contribution to surplus and contingency funds, to past and  
22 prospective expenses, both within and outside this state, and to all  
23 other relevant factors within and outside this state including any  
24 differing operating methods of the insurers joining in the issue of the  
25 policy. In exercising the powers conferred upon him or\_her by this  
26 chapter, the commissioner shall not be bound by any other requirement  
27 of this code with respect to standard provisions to be included in  
28 disability policies or forms.

29 The commissioner may, after hearing upon written notice, withdraw  
30 an approval previously given, upon such grounds as in his or\_her  
31 opinion would authorize disapproval upon original submission thereof.  
32 Any such withdrawal of approval after hearing shall be by notice in  
33 writing specifying the ground thereof and shall be effective at the  
34 expiration of such period, not less than ninety days after the giving  
35 of notice of withdrawal, as the commissioner shall in such notice  
36 prescribe.

1 If and when a program of hospital, surgical and medical benefits is  
2 enacted by the federal government or the state of Washington, the  
3 extended health insurance benefits provided by policies issued under  
4 this chapter shall be adjusted to avoid any duplication of benefits  
5 offered by the federal or state programs and the premium rates  
6 applicable thereto shall be adjusted to conform with the adjusted  
7 benefits.

8 The association shall submit an annual report to the insurance  
9 commissioner which shall become public information and shall provide  
10 information as to the number of persons insured, the names of the  
11 insurers participating in the association with respect to insurance  
12 offered under this chapter and the calendar year experience applicable  
13 to such insurance offered under this chapter, including premiums  
14 earned, claims paid during the calendar year, the amount of claims  
15 reserve established, administrative expenses, commissions, promotional  
16 expenses, taxes, contingency reserve, other expenses, and profit and  
17 loss for the year. The commissioner shall require the association to  
18 provide any and all information concerning the operations of the  
19 association deemed relevant by him for inclusion in the report.

20 **Sec. 7106.** RCW 48.22.030 and 2007 c 80 s 14 are each amended to  
21 read as follows:

22 (1) "Underinsured motor vehicle" means a motor vehicle with respect  
23 to the ownership, maintenance, or use of which either no bodily injury  
24 or property damage liability bond or insurance policy applies at the  
25 time of an accident, or with respect to which the sum of the limits of  
26 liability under all bodily injury or property damage liability bonds  
27 and insurance policies applicable to a covered person after an accident  
28 is less than the applicable damages which the covered person is legally  
29 entitled to recover.

30 (2) No new policy or renewal of an existing policy insuring against  
31 loss resulting from liability imposed by law for bodily injury, death,  
32 or property damage, suffered by any person arising out of the  
33 ownership, maintenance, or use of a motor vehicle shall be issued with  
34 respect to any motor vehicle registered or principally garaged in this  
35 state unless coverage is provided therein or supplemental thereto for  
36 the protection of persons insured thereunder who are legally entitled  
37 to recover damages from owners or operators of underinsured motor

1 vehicles, hit-and-run motor vehicles, and phantom vehicles because of  
2 bodily injury, death, or property damage, resulting therefrom, except  
3 while operating or occupying a motorcycle or motor-driven cycle, and  
4 except while operating or occupying a motor vehicle owned or available  
5 for the regular use by the named insured or any family member, and  
6 which is not insured under the liability coverage of the policy. The  
7 coverage required to be offered under this chapter is not applicable to  
8 general liability policies, commonly known as umbrella policies, or  
9 other policies which apply only as excess to the insurance directly  
10 applicable to the vehicle insured.

11 (3) Except as to property damage, coverage required under  
12 subsection (2) of this section shall be in the same amount as the  
13 insured's third party liability coverage unless the insured rejects all  
14 or part of the coverage as provided in subsection (4) of this section.  
15 Coverage for property damage need only be issued in conjunction with  
16 coverage for bodily injury or death. Property damage coverage required  
17 under subsection (2) of this section shall mean physical damage to the  
18 insured motor vehicle unless the policy specifically provides coverage  
19 for the contents thereof or other forms of property damage.

20 (4) A named insured or spouse may reject, in writing, underinsured  
21 coverage for bodily injury or death, or property damage, and the  
22 requirements of subsections (2) and (3) of this section shall not  
23 apply. If a named insured or spouse has rejected underinsured  
24 coverage, such coverage shall not be included in any supplemental or  
25 renewal policy unless a named insured or spouse subsequently requests  
26 such coverage in writing. The requirement of a written rejection under  
27 this subsection shall apply only to the original issuance of policies  
28 issued after July 24, 1983, and not to any renewal or replacement  
29 policy. When a named insured or spouse chooses a property damage  
30 coverage that is less than the insured's third party liability coverage  
31 for property damage, a written rejection is not required.

32 (5) The limit of liability under the policy coverage may be defined  
33 as the maximum limits of liability for all damages resulting from any  
34 one accident regardless of the number of covered persons, claims made,  
35 or vehicles or premiums shown on the policy, or premiums paid, or  
36 vehicles involved in an accident.

37 (6) The policy may provide that if an injured person has other

1 similar insurance available to him or her under other policies, the  
2 total limits of liability of all coverages shall not exceed the higher  
3 of the applicable limits of the respective coverages.

4 (7)(a) The policy may provide for a deductible of not more than  
5 three hundred dollars for payment for property damage when the damage  
6 is caused by a hit-and-run driver or a phantom vehicle.

7 (b) In all other cases of underinsured property damage coverage,  
8 the policy may provide for a deductible of not more than one hundred  
9 dollars.

10 (8) For the purposes of this chapter, a "phantom vehicle" shall  
11 mean a motor vehicle which causes bodily injury, death, or property  
12 damage to an insured and has no physical contact with the insured or  
13 the vehicle which the insured is occupying at the time of the accident  
14 if:

15 (a) The facts of the accident can be corroborated by competent  
16 evidence other than the testimony of the insured or any person having  
17 an underinsured motorist claim resulting from the accident; and

18 (b) The accident has been reported to the appropriate law  
19 enforcement agency within seventy-two hours of the accident.

20 (9) An insurer who elects to write motorcycle or motor-driven cycle  
21 insurance in this state must provide information to prospective  
22 insureds about the coverage.

23 (10) An insurer who elects to write motorcycle or motor-driven  
24 cycle insurance in this state must provide an opportunity for named  
25 insureds, who have purchased liability coverage for a motorcycle or  
26 motor-driven cycle, to reject underinsured coverage for that motorcycle  
27 or motor-driven cycle in writing.

28 (11) If the covered person seeking underinsured motorist coverage  
29 under this section was the intended victim of the tort feisor, the  
30 incident must be reported to the appropriate law enforcement agency and  
31 the covered person must cooperate with any related law enforcement  
32 investigation.

33 (12) The purpose of this section is to protect innocent victims of  
34 motorists of underinsured motor vehicles. Covered persons are entitled  
35 to coverage without regard to whether an incident was intentionally  
36 caused. However, a person is not entitled to coverage if the insurer  
37 can demonstrate that the covered person intended to cause the event for  
38 which a claim is made under the coverage described in this section. As

1 used in this section, and in the section of policies providing the  
2 underinsured motorist coverage described in this section, "accident"  
3 means an occurrence that is unexpected and unintended from the  
4 standpoint of the covered person.

5 (13) "Underinsured coverage," for the purposes of this section,  
6 means coverage for "underinsured motor vehicles," as defined in  
7 subsection (1) of this section.

8 **Sec. 7107.** RCW 48.23.070 and 1947 c 79 s .23.07 are each amended  
9 to read as follows:

10 (1) In all policies which provide for participation in the  
11 insurer's surplus, there shall be a provision that the policy shall so  
12 participate annually in the insurer's divisible surplus as apportioned  
13 by the insurer, beginning not later than the end of the third policy  
14 year. Any policy containing provision for annual participation  
15 beginning at the end of the first policy year, may also provide that  
16 each dividend shall be paid subject to the payment of the premiums for  
17 the next ensuing year. The insured under any annual dividend policy  
18 shall have the right each year to have the current dividend arising  
19 from such participation either paid in cash, or applied in accordance  
20 with such other dividend option as may be specified in the policy and  
21 elected by the insured. The policy shall further provide which of the  
22 options shall be effective if the insured shall fail to notify the  
23 insurer in writing of his or her election within the period of grace  
24 allowed for the payment of premium.

25 (2) This section shall not apply to paid-up nonforfeiture benefits  
26 nor paid-up policies issued on default in payment of premiums.

27 **Sec. 7108.** RCW 48.24.120 and 1947 c 79 s 24.12 are each amended to  
28 read as follows:

29 There shall be a provision that the validity of the policy shall  
30 not be contested, except for nonpayment of premiums, after it has been  
31 in force for two years from its date of issue; and that no statement  
32 made by an individual insured under the policy relating to his or her  
33 insurability shall be used in contesting the validity of the insurance  
34 with respect to which such statement was made after such insurance has  
35 been in force prior to the contest for a period of two years during

1 such individual's lifetime nor unless it is contained in a written  
2 instrument signed by him.

3 **Sec. 7109.** RCW 48.24.130 and 1947 c 79 s .24.13 are each amended  
4 to read as follows:

5 There shall be a provision that a copy of the application, if any,  
6 of the policyholder shall be attached to the policy when issued and  
7 become a part of the contract; that all statements made by the  
8 policyholder or by the persons insured shall be deemed representations  
9 and not warranties, and that no statement made by any person insured  
10 shall be used in any contest unless a copy of the instrument containing  
11 the statement is or has been furnished to such person or to his or her  
12 beneficiary.

13 **Sec. 7110.** RCW 48.24.140 and 1947 c 79 s .24.14 are each amended  
14 to read as follows:

15 There shall be a provision setting forth the conditions, if any,  
16 under which the insurer reserves the right to require a person eligible  
17 for insurance to furnish evidence of individual insurability  
18 satisfactory to the insurer as a condition to part or all of his or her  
19 coverage.

20 **Sec. 7111.** RCW 48.24.170 and 1961 c 194 s 10 are each amended to  
21 read as follows:

22 There shall be a provision that the insurer will issue to the  
23 policyholder for delivery to each individual insured a certificate  
24 setting forth a statement as to the insurance protection to which he or  
25 she is entitled, to whom the insurance benefits are payable, described  
26 by name, relationship, or reference to the insurance records of the  
27 policyholder or insurer, and the rights and conditions set forth in RCW  
28 48.24.180, 48.24.190 and 48.24.200, following.

29 **Sec. 7112.** RCW 48.24.180 and 1955 c 303 s 24 are each amended to  
30 read as follows:

31 There shall be a provision that if the insurance, or any portion of  
32 it, on an individual covered under the policy, other than a child  
33 insured pursuant to RCW 48.24.030, ceases because of termination of  
34 employment or of membership in the class or classes eligible for

1 coverage under the policy, such individual shall be entitled to have  
2 issued to him or her by the insurer, without evidence of insurability,  
3 an individual policy of life insurance without disability or other  
4 supplementary benefits, provided application for the individual policy  
5 shall be made, and the first premium paid to the insurer, within  
6 thirty-one days after such termination, and provided further that,

7 (1) the individual policy shall, at the option of such individual,  
8 be on any one of the forms, except term insurance, then customarily  
9 issued by the insurer at the age and for the amount applied for;

10 (2) the individual policy shall be in an amount not in any event in  
11 excess of the amount of life insurance which ceases because of such  
12 termination nor less than one thousand dollars unless a smaller amount  
13 of coverage was provided for such individual under the group policy:  
14 PROVIDED, That any amount of insurance which matures on the date of  
15 such termination or has matured prior thereto under the group policy as  
16 an endowment payable to the individual insured, whether in one sum or  
17 in installments or in the form of an annuity, shall not, for the  
18 purposes of this provision, be included in the amount which is  
19 considered to cease because of such termination; and

20 (3) the premium on the individual policy shall be at the insurer's  
21 then customary rate applicable to the form and amount of the individual  
22 policy, to the class of risk to which such individual then belongs, and  
23 to his or her age attained on the effective date of the individual  
24 policy.

25 **Sec. 7113.** RCW 48.24.190 and 1953 c 197 s 13 are each amended to  
26 read as follows:

27 There shall be a provision that if the group policy terminates or  
28 is amended so as to terminate the insurance of any class of insured  
29 individuals, every individual insured thereunder at the date of such  
30 termination, other than a child insured pursuant to RCW 48.24.030,  
31 whose insurance terminates and who has been so insured for at least  
32 five years prior to such termination date shall be entitled to have  
33 issued to him or her by the insurer an individual policy of life  
34 insurance, subject to the same conditions and limitations as are  
35 provided by RCW 48.24.180, except that the group policy may provide  
36 that the amount of such individual policy shall not exceed the smaller  
37 of (a) the amount of the individual's life insurance protection ceasing

1 because of the termination or amendment of the group policy, less the  
2 amount of any life insurance for which he or she is or becomes eligible  
3 under any group policy issued or reinstated by the same or another  
4 insurer within thirty-one days of such termination and (b) two thousand  
5 dollars.

6 **Sec. 7114.** RCW 48.24.200 and 1947 c 79 s .24.20 are each amended  
7 to read as follows:

8 There shall be a provision that if a person insured under the group  
9 policy dies during the period within which he or she would have been  
10 entitled to have an individual policy issued to him or her in  
11 accordance with RCW 48.24.180 and 48.24.190, and before such an  
12 individual policy shall have become effective, the amount of life  
13 insurance which he or she would have been entitled to have issued to  
14 him or her under such individual policy shall be payable as a claim  
15 under the group policy, whether or not application for the individual  
16 policy or the payment of the first premium therefor has been made.

17 **Sec. 7115.** RCW 48.25.180 and 1947 c 79 s .25.18 are each amended  
18 to read as follows:

19 There shall be a provision in the case of weekly premium policies  
20 granting, upon proper written request and upon presentation of evidence  
21 of the insurability of the insured satisfactory to the insurer, the  
22 privilege of converting his or her weekly premium industrial insurance  
23 to any form of life insurance with less frequent premium payments  
24 regularly issued by the insurer, in accordance with terms and  
25 conditions agreed upon with the insurer. The privilege of making such  
26 conversion need be granted only if the insurer's weekly premium  
27 industrial policies on the life insured, in force as premium paying  
28 insurance and on which conversion is requested, grant benefits in event  
29 of death, exclusive of additional accidental death benefits and  
30 exclusive of any dividend additions, in an amount not less than the  
31 minimum amount of such insurance with less frequent premium payments  
32 issued by the insurer at the age of the insured on the plan of  
33 industrial or ordinary insurance desired.

34 **Sec. 7116.** RCW 48.25.190 and 1947 c 79 s .25.19 are each amended  
35 to read as follows:

1        There shall be a provision, in the case of monthly premium  
2 industrial policies, granting, upon proper written request and upon  
3 presentation of evidence of the insurability of the insured  
4 satisfactory to the insurer, the privilege of converting his or her  
5 monthly premium industrial insurance to any form of ordinary life  
6 insurance regularly issued by the insurer, in accordance with terms and  
7 conditions agreed upon with the insurer. The privilege of making such  
8 conversions need be granted only if the insurer's monthly premium  
9 industrial policies on the life insured, in force as premium paying  
10 insurance and on which conversion is requested, grant benefits in event  
11 of death, exclusive of additional accidental death benefits and  
12 exclusive of any dividend additions, in an amount not less than the  
13 minimum amount of ordinary insurance issued by the insurer at the age  
14 of the insured on the plan of ordinary insurance desired.

15        **Sec. 7117.** RCW 48.28.020 and 1955 c 30 s 1 are each amended to  
16 read as follows:

17        Any fiduciary required by law to give bonds, may include as part of  
18 his or her lawful expense to be allowed by the court or official by  
19 whom he or she was appointed, the reasonable amount paid as premium for  
20 such bonds to the authorized surety insurer or to the surplus line  
21 surety insurer which issued or guaranteed such bonds.

22        **Sec. 7118.** RCW 48.30.020 and 1947 c 79 s .30.02 are each amended  
23 to read as follows:

24        (1) No person shall either within or outside of this state enter  
25 into any contract, understanding or combination with any other person  
26 to do jointly or severally any act or engage in any practice for the  
27 purpose of

28        (a) controlling the rates to be charged for insuring any risk or  
29 any class of risks in this state; or

30        (b) unfairly discriminating against any person in this state by  
31 reason of his or her plan or method of transacting insurance, or by  
32 reason of his or her affiliation or nonaffiliation with any insurance  
33 organization; or

34        (c) establishing or perpetuating any condition in this state  
35 detrimental to free competition in the business of insurance or  
36 injurious to the insuring public.

1 (2) This section shall not apply relative to ocean marine and  
2 foreign trade insurances.

3 (3) This section shall not be deemed to prohibit the doing of  
4 things permitted to be done in accordance with the provisions of  
5 chapter 48.19 RCW of this code.

6 (4) Whenever the commissioner has knowledge of any violation of  
7 this section he or she shall forthwith order the offending person to  
8 discontinue such practice immediately or show cause to the satisfaction  
9 of the commissioner why such order should not be complied with. If the  
10 offender is an insurer or a licensee under this code and fails to  
11 comply with such order within thirty days after receipt thereof, the  
12 commissioner may forthwith revoke the offender's certificate of  
13 authority or licenses.

14 **Sec. 7119.** RCW 48.30.120 and 1947 c 79 s .30.12 are each amended  
15 to read as follows:

16 No director, officer, agent, attorney-in-fact, or employee of an  
17 insurer shall:

18 (1) Knowingly receive or possess himself of any of its property,  
19 otherwise than in payment for a just demand, and with intent to  
20 defraud, omit to make or to cause or direct to be made, a full and true  
21 entry thereof in its books and accounts; nor

22 (2) Make or concur in making any false entry, or concur in omitting  
23 to make any material entry, in its books or accounts; nor

24 (3) Knowingly concur in making or publishing any written report,  
25 exhibit or statement of its affairs or pecuniary condition containing  
26 any material statement which is false, or omit or concur in omitting  
27 any statement required by law to be contained therein; nor

28 (4) Having the custody or control of its books, willfully fail to  
29 make any proper entry in the books of the insurer as required by law,  
30 or to exhibit or allow the same to be inspected and extracts to be  
31 taken therefrom by any person entitled by law to inspect the same, or  
32 take extracts therefrom; nor

33 (5) If a notice of an application for an injunction or other legal  
34 process affecting or involving the property or business of the insurer  
35 is served upon him or her, fail to disclose the fact of such service  
36 and the time and place of such application to the other directors,  
37 officers, and managers thereof; nor

1 (6) Fail to make any report or statement lawfully required by a  
2 public officer.

3 **Sec. 7120.** RCW 48.30.130 and 1947 c 79 s .30.13 are each amended  
4 to read as follows:

5 A director of an insurer is deemed to have such knowledge of its  
6 affairs as to enable him or her to determine whether any act,  
7 proceeding, or omission of its directors is a violation of any  
8 provision of this chapter. If present at a meeting of directors at  
9 which any act, proceeding, or omission of its directors which is a  
10 violation of any such provision occurs, he or she must be deemed to  
11 have concurred therein unless at the time he or she causes or in  
12 writing requires his or her dissent therefrom to be entered on the  
13 minutes of the directors.

14 If absent from such meeting, he or she must be deemed to have  
15 concurred in any such violation if the facts constituting such  
16 violation appear on the records or minutes of the proceedings of the  
17 board of directors, and he or she remains a director of the insurer for  
18 six months thereafter without causing or in writing requiring his or  
19 her dissent from such violation to be entered upon such record or  
20 minutes.

21 **Sec. 7121.** RCW 48.30.250 and 1949 c 190 s 34 are each amended to  
22 read as follows:

23 (1) Any insurer may retain, invest in or acquire the whole or any  
24 part of the capital stock of any other insurer or insurers, or have a  
25 common management with any other insurer or insurers, unless such  
26 retention, investment, acquisition or common management is inconsistent  
27 with any other provision of this title, or unless by reason thereof the  
28 business of such insurers with the public is conducted in a manner  
29 which substantially lessens competition generally in the insurance  
30 business or tends to create a monopoly therein.

31 (2) Any person otherwise qualified may be a director of two or more  
32 insurers which are competitors, unless the effect thereof is to  
33 substantially lessen competition between insurers generally or tends to  
34 create a monopoly.

35 (3) If the commissioner finds, after a hearing thereon, that there

1 is violation of this section he or she shall order all such persons and  
2 insurers to cease and desist from such violation within such time, or  
3 extension thereof, as may be specified in such order.

4 **Sec. 7122.** RCW 48.31.010 and 1973 1st ex.s. c 107 s 3 are each  
5 amended to read as follows:

6 (1) Subject to the provisions of RCW 48.08.080, relating to the  
7 mutualization of stock insurers, RCW 48.09.350, relating to the  
8 conversion or reinsurance of mutual insurers, and RCW 48.10.330,  
9 relating to the consolidation or conversion of reciprocal insurers, a  
10 domestic insurer may merge or consolidate with another insurer, subject  
11 to the following conditions:

12 (a) The plan of merger or consolidation must be submitted to and be  
13 approved by the commissioner in advance of the merger or consolidation.

14 (b) The commissioner shall not approve any such plan unless, after  
15 a hearing, pursuant to such notice as the commissioner may require, he  
16 or she finds that it is fair, equitable, consistent with law, and that  
17 no reasonable objection exists. If the commissioner fails to approve  
18 the plan, he or she shall state his or her reasons for such failure in  
19 his or her order made on such hearing. The insurers involved in the  
20 merger shall bear the expense of the mailing of the notice of hearing  
21 and of the order on hearing.

22 (c) No director, officer, member, or subscriber of any such  
23 insurer, except as is expressly provided by the plan of merger or  
24 consolidation, shall receive any fee, commission, other compensation or  
25 valuable consideration whatsoever, for in any manner aiding, promoting  
26 or assisting in the merger or consolidation.

27 (d) Any merger or consolidation as to an incorporated domestic  
28 insurer shall in other respects be governed by the general laws of this  
29 state relating to business corporations. Except, that as to domestic  
30 mutual insurers, approval by two-thirds of its members who vote thereon  
31 pursuant to such notice and procedure as was approved by the  
32 commissioner shall constitute approval of the merger or consolidation  
33 as respects the insurer's members.

34 (2) Reinsurance of all or substantially all of the insurance in  
35 force of a domestic insurer by another insurer shall be deemed a  
36 consolidation for the purposes of this section.

1       **Sec. 7123.** RCW 48.31.050 and 1947 c 79 s .31.05 are each amended  
2 to read as follows:

3       The commissioner may apply for an order directing him or her to  
4 liquidate the business of a domestic insurer or of the United States  
5 branch of an alien insurer having trusteed assets in this state,  
6 regardless of whether or not there has been a prior order directing him  
7 or her to rehabilitate such insurer, upon any of the grounds specified  
8 in RCW 48.31.030 or upon any one or more of the following grounds:  
9 That the insurer

10       (1) Has ceased transacting business for a period of one year; or

11       (2) Is an insolvent insurer and has commenced voluntary liquidation  
12 or dissolution, or attempts to commence or prosecute any action or  
13 proceeding to liquidate its business or affairs, or to dissolve its  
14 corporate charter, or to procure the appointment of a receiver,  
15 trustee, custodian, or sequestrator under any law except this code; or

16       (3) Has not organized or completed its organization and obtained a  
17 certificate of authority as an insurer prior to the expiration or  
18 revocation of its solicitation permit.

19       **Sec. 7124.** RCW 48.31.060 and 1947 c 79 s .31.06 are each amended  
20 to read as follows:

21       (1) An order to liquidate the business of a domestic insurer shall  
22 direct the commissioner forthwith to take possession of the property of  
23 the insurer, to liquidate its business, to deal with the insurer's  
24 property and business in his or her own name as commissioner or in the  
25 name of the insurer as the court may direct, to give notice to all  
26 creditors who may have claims against the insurer to present such  
27 claims.

28       (2) The commissioner may apply under this chapter for an order  
29 dissolving the corporate existence of a domestic insurer:

30       (a) Upon his or her application for an order of liquidation of such  
31 insurer, or at any time after such order has been granted; or

32       (b) Upon the grounds specified in item (3) of RCW 48.31.050,  
33 regardless of whether an order of liquidation is sought or has been  
34 obtained.

35       **Sec. 7125.** RCW 48.31.080 and 1947 c 79 s .31.08 are each amended  
36 to read as follows:

1 The commissioner may apply for an order directing him or her to  
2 conserve the assets within this state of a foreign insurer upon any one  
3 or more of the following grounds:

4 (1) Upon any of the grounds specified in items (1) to (9) inclusive  
5 of RCW 48.31.030 and in item (2) of RCW 48.31.050.

6 (2) That its property has been sequestered in its domiciliary  
7 sovereignty or in any other sovereignty.

8 **Sec. 7126.** RCW 48.31.090 and 1947 c 79 s .31.09 are each amended  
9 to read as follows:

10 The commissioner may apply for an order directing him or her to  
11 conserve the assets within this state of an alien insurer upon any one  
12 or more of the following grounds:

13 (1) Upon any of the grounds specified in items (1) to (9) inclusive  
14 of RCW 48.31.030 and in item (2) of RCW 48.31.050; or

15 (2) That the insurer has failed to comply, within the time  
16 designated by the commissioner, with an order of the commissioner  
17 pursuant to law to make good an impairment of its trusteed funds; or

18 (3) That the property of the insurer has been sequestered in its  
19 domiciliary sovereignty or elsewhere.

20 **Sec. 7127.** RCW 48.31.190 and 1993 c 462 s 82 are each amended to  
21 read as follows:

22 (1) Proceedings under this chapter involving a domestic insurer  
23 shall be commenced in the superior court for the county in which is  
24 located the insurer's home office or, at the election of the  
25 commissioner, in the superior court for Thurston county. Proceedings  
26 under this chapter involving other insurers shall be commenced in the  
27 superior court for Thurston county.

28 (2) The commissioner shall commence any such proceeding, the  
29 attorney general representing him or her, by an application to the  
30 court or to any judge thereof, for an order directing the insurer to  
31 show cause why the commissioner should not have the relief prayed for.

32 (3) Upon a showing of an emergency or threat of imminent loss to  
33 policyholders of the insurer the court may issue an ex parte order  
34 authorizing the commissioner immediately to take over the premises and  
35 assets of the insurer, the commissioner then to preserve the status

1 quo, pending a hearing on the order to show cause, which shall be heard  
2 as soon as the court calendar permits in preference to other civil  
3 cases.

4 (4) In response to any order to show cause issued under this  
5 chapter the insurer shall have the burden of going forward with and  
6 producing evidence to show why the relief prayed for by the  
7 commissioner is not required.

8 (5) On the return of such order to show cause, and after a full  
9 hearing, the court shall either deny the relief sought in the  
10 application or grant the relief sought in the application together with  
11 such other relief as the nature of the case and the interest of  
12 policyholders, creditors, stockholders, members, subscribers, or the  
13 public may require.

14 (6) No appellate review of a superior court order, entered after a  
15 hearing, granting the commissioner's petition to rehabilitate an  
16 insurer or to carry out an insolvency proceeding under this chapter,  
17 shall stay the action of the commissioner in the discharge of his  
18 responsibilities under this chapter, pending a decision by the  
19 appellate court in the matter.

20 (7) In any proceeding under this chapter the commissioner and his  
21 or her deputies shall be responsible on their official bonds for the  
22 faithful performance of their duties. If the court deems it desirable  
23 for the protection of the assets, it may at any time require an  
24 additional bond from the commissioner or his or her deputies.

25 **Sec. 7128.** RCW 48.31.210 and 1947 c 79 s .31.21 are each amended  
26 to read as follows:

27 At any time after the commencement of a proceeding under this  
28 chapter the commissioner may apply to the court for an order changing  
29 the venue of, and removing the proceeding to Thurston county, or to any  
30 other county of this state in which he or she deems that such  
31 proceeding may be most economically and efficiently conducted.

32 **Sec. 7129.** RCW 48.31.220 and 1947 c 79 s .31.22 are each amended  
33 to read as follows:

34 The moneys collected by the commissioner in a proceeding under this  
35 chapter, shall be, from time to time, deposited in one or more state or  
36 national banks, savings banks, or trust companies, and in the case of

1 the insolvency or voluntary or involuntary liquidation of any such  
2 depository which is an institution organized and supervised under the  
3 laws of this state, such deposits shall be entitled to priority of  
4 payment on an equality with any other priority given by the banking law  
5 of this state. The commissioner may in his or her discretion deposit  
6 such moneys or any part thereof in a national bank or trust company as  
7 a trust fund.

8 **Sec. 7130.** RCW 48.31.230 and 1947 c 79 s .31.23 are each amended  
9 to read as follows:

10 The commissioner shall not be required to pay any fee to any public  
11 officer in this state for filing, recording, issuing a transcript or  
12 certificate, or authenticating any paper or instrument pertaining to  
13 the exercise by the commissioner of any of the powers or duties  
14 conferred upon him or her under this chapter, whether or not such paper  
15 or instrument be executed by the commissioner or his or her deputies,  
16 employees, or attorneys of record and whether or not it is connected  
17 with the commencement of an action or proceeding by or against the  
18 commissioner, or with the subsequent conduct of such action or  
19 proceeding.

20 **Sec. 7131.** RCW 48.31.240 and 1947 c 79 s .31.24 are each amended  
21 to read as follows:

22 For the purpose of facilitating the rehabilitation, liquidation,  
23 conservation or dissolution of an insurer pursuant to this chapter the  
24 commissioner may, subject to the approval of the court, borrow money  
25 and execute, acknowledge and deliver notes or other evidences of  
26 indebtedness therefor and secure the repayment of the same by the  
27 mortgage, pledge, assignment, transfer in trust, or hypothecation of  
28 any or all of the property whether real, personal or mixed of such  
29 insurer, and the commissioner, subject to the approval of the court,  
30 shall have power to take any and all other action necessary and proper  
31 to consummate any such loans and to provide for the repayment thereof.  
32 The commissioner shall be under no obligation personally or in his or  
33 her official capacity as commissioner to repay any loan made pursuant  
34 to this section.

1           **Sec. 7132.** RCW 48.31.270 and 1947 c 79 s .31.27 are each amended  
2 to read as follows:

3           (1) Any transfer of, or lien upon, the property of an insurer which  
4 is made or created within four months prior to the granting of an order  
5 to show cause under this chapter with the intent of giving to any  
6 creditor or of enabling him or her to obtain a greater percentage of  
7 his or her debt than any other creditor of the same class and which is  
8 accepted by such creditor having reasonable cause to believe that such  
9 a preference will occur, shall be voidable.

10           (2) Every director, officer, employee, stockholder, member,  
11 subscriber, and any other person acting on behalf of such insurer who  
12 shall be concerned in any such act or deed and every person receiving  
13 thereby any property of such insurer or the benefit thereof shall be  
14 personally liable therefor and shall be bound to account to the  
15 commissioner.

16           (3) The commissioner as liquidator, rehabilitator or conservator in  
17 any proceeding under this chapter, may avoid any transfer of, or lien  
18 upon the property of an insurer which any creditor, stockholder,  
19 subscriber or member of such insurer might have avoided and may recover  
20 the property so transferred unless such person was a bona fide holder  
21 for value prior to the date of the granting of an order to show cause  
22 under this chapter. Such property or its value may be recovered from  
23 anyone who has received it except a bona fide holder for value as above  
24 specified.

25           **Sec. 7133.** RCW 48.31.290 and 1947 c 79 s .31.29 are each amended  
26 to read as follows:

27           (1) In all cases of mutual debts or mutual credits between the  
28 insurer and another person in connection with any action or proceeding  
29 under this chapter, such credits and debts shall be set off and the  
30 balance only shall be allowed or paid, except as provided in subsection  
31 (2) of this section.

32           (2) No offset shall be allowed in favor of any such person where  
33 (a) the obligation of the insurer to such person would not at the date  
34 of the entry of any liquidation order, or otherwise, as provided in RCW  
35 48.31.260, entitle him or her to share as a claimant in the assets of  
36 the insurer, or (b) the obligation of the insurer to such person was  
37 purchased by or transferred to such person with a view of its being

1 used as an offset, or (c) the obligation of such person is to pay an  
2 assessment levied against the members of a mutual insurer, or against  
3 the subscribers of a reciprocal insurer, or is to pay a balance upon a  
4 subscription to the capital stock of a stock insurer.

5 **Sec. 7134.** RCW 48.31.310 and 1947 c 79 s .31.31 are each amended  
6 to read as follows:

7 (1) If upon the granting of an order of liquidation under this  
8 chapter or at any time thereafter during the liquidation proceeding,  
9 the insurer shall not be clearly solvent, the court shall after such  
10 notice and hearing as it deems proper, make an order declaring the  
11 insurer to be insolvent. Thereupon, regardless of any prior notice  
12 which may have been given to creditors, the commissioner shall notify  
13 all persons who may have claims against such insurer and who have not  
14 filed proper proofs thereof, to present the same to him or her, at a  
15 place specified in such notice, within four months from the date of the  
16 entry of such order, or if the commissioner shall certify that it is  
17 necessary, within such longer time as the court shall prescribe. The  
18 last day for the filing of proofs of claim shall be specified in the  
19 notice. Such notice shall be given in a manner determined by the  
20 court.

21 (2) Proofs of claim may be filed subsequent to the date specified,  
22 but no such claim shall share in the distribution of the assets until  
23 all allowed claims, proofs of which have been filed before said date,  
24 have been paid in full with interest.

25 **Sec. 7135.** RCW 48.31.340 and 1947 c 79 s .31.34 are each amended  
26 to read as follows:

27 After levy of assessment as provided in RCW 48.31.330, upon the  
28 filing of a further detailed report by the commissioner, the court  
29 shall issue an order directing each member (if a mutual insurer) or  
30 each subscriber (if a reciprocal insurer) if he or she shall not pay  
31 the amount assessed against him or her to the commissioner on or before  
32 a day to be specified in the order, to show cause why he or she should  
33 not be held liable to pay such assessment together with costs as set  
34 forth in RCW 48.31.360 and why the commissioner should not have  
35 judgment therefor.

1       **Sec. 7136.** RCW 48.31.350 and 1947 c 79 s .31.35 are each amended  
2 to read as follows:

3       The commissioner shall cause a notice of such assessment order  
4 setting forth a brief summary of the contents of such order to be:

5       (1) Published in such manner as shall be directed by the court; and

6       (2) Enclosed in a sealed envelope, addressed and mailed postage  
7 prepaid to each member or subscriber liable thereunder at his or her  
8 last known address as it appears on the records of the insurer, at  
9 least twenty days before the return day of the order to show cause  
10 provided for in RCW 48.31.340.

11       **Sec. 7137.** RCW 48.31.360 and 1947 c 79 s .31.36 are each amended  
12 to read as follows:

13       (1) On the return day of the order to show cause provided for in  
14 RCW 48.31.340 if the member or subscriber does not appear and serve  
15 verified objections upon the commissioner, the court shall make an  
16 order adjudging that such member or subscriber is liable for the amount  
17 of the assessment against him or her together with ten dollars costs,  
18 and that the commissioner may have judgment against the member or  
19 subscriber therefor.

20       (2) If on such return day the member or subscriber shall appear and  
21 serve verified objections upon the commissioner there shall be a full  
22 hearing before the court or a referee to hear and determine, who, after  
23 such hearing, shall make an order either negating the liability of  
24 the member or subscriber to pay the assessment or affirming his or her  
25 liability to pay the whole or some part thereof together with twenty-  
26 five dollars costs and the necessary disbursements incurred at such  
27 hearing, and directing that the commissioner in the latter case may  
28 have judgment therefor.

29       (3) A judgment upon any such order shall have the same force and  
30 effect, and may be entered and docketed, and may be appealed from as if  
31 it were a judgment in an original action brought in the court in which  
32 the proceeding is pending.

33       **Sec. 7138.** RCW 48.32.080 and 1975-'76 2nd ex.s. c 109 s 7 are each  
34 amended to read as follows:

35       (1) The commissioner shall:

1 (a) Notify the association promptly whenever he or she or any of  
2 his or her examiners has, or comes into, possession of any data or  
3 information relative to any insurer under his or her jurisdiction for  
4 any purpose indicating that such insurer is in or is approaching a  
5 condition of impaired assets, imminent insolvency, or insolvency.

6 (b) Furnish to the association copies of all preliminary and final  
7 audits, investigations, memorandums, opinions, and reports relative to  
8 any insurer under his or her jurisdiction for any purpose, promptly  
9 upon the preparation of any thereof.

10 (c) Notify the association of the existence of an insolvent insurer  
11 not later than three days after he receives notice of the determination  
12 of the insolvency. The association shall be entitled to a copy of any  
13 complaint seeking an order of liquidation with a finding of insolvency  
14 against a member insurer at the same time such complaint is filed with  
15 a court of competent jurisdiction.

16 (d) Upon request of the board of directors, provide the association  
17 with a statement of the net direct written premiums of each member  
18 insurer.

19 (2) The commissioner may:

20 (a) Require that the association notify the insureds of the  
21 insolvent insurer and any other interested parties of the determination  
22 of insolvency and of their rights under this chapter. Such  
23 notification shall be by mail at their last known address, where  
24 available, but if sufficient information for notification by mail is  
25 not available, notice by publication or in a newspaper of general  
26 circulation shall be sufficient.

27 (b) Suspend or revoke, after notice and hearing, the certificate of  
28 authority to transact insurance in this state of any member insurer  
29 which fails to pay an assessment when due or fails to comply with the  
30 plan of operation. As an alternative, the commissioner may levy a fine  
31 on any member insurer which fails to pay an assessment when due. Such  
32 fine shall not exceed five percent of the unpaid assessment per month,  
33 except that no fine shall be less than one hundred dollars per month.

34 (c) Revoke the designation of any servicing facility if he or she  
35 finds claims are being handled unsatisfactorily.

36 (3) Whenever the commissioner or any of his or her examiners comes  
37 into possession of or obtains any data or information indicating that  
38 any insurer under his or her jurisdiction for any purpose is in or is

1 approaching a condition of impaired assets, imminent insolvency, or  
2 insolvency, he or she shall within fifteen days of having such data or  
3 information commence investigation and/or take formal action relative  
4 to any such insurer, and in addition within said time shall notify the  
5 association of such condition. Upon failure of the commissioner so to  
6 act, the association is hereby authorized and directed to act and  
7 commence appropriate investigation or proceedings or may at its option  
8 refer the matter to the attorney general for appropriate action  
9 relative to which the attorney general shall keep the association  
10 advised throughout any such action or proceedings.

11 (4) Any final action or order of the commissioner under this  
12 chapter shall be subject to judicial review in a court of competent  
13 jurisdiction.

14 **Sec. 7139.** RCW 48.32.090 and 1971 ex.s. c 265 s 9 are each amended  
15 to read as follows:

16 (1) Any person recovering under this chapter shall be deemed to  
17 have assigned his or her rights under the policy to the association to  
18 the extent of his or her recovery from the association. Every insured  
19 or claimant seeking the protection of this chapter shall cooperate with  
20 the association to the same extent as such person would have been  
21 required to cooperate with the insolvent insurer. The association  
22 shall have no cause of action against the insured of the insolvent  
23 insurer for any sums it has paid out.

24 (2) The receiver, liquidator, or statutory successor of an  
25 insolvent insurer shall be bound by settlements of covered claims by  
26 the association or a similar organization in another state. The court  
27 having jurisdiction shall grant such claims priority equal to that  
28 which the claimant would have been entitled in the absence of this  
29 chapter against the assets of the insolvent insurer. The expenses of  
30 the association or similar organization in handling claims shall be  
31 accorded the same priority as the liquidator's expenses.

32 (3) The association shall periodically file with the receiver or  
33 liquidator of the insolvent insurer statements of the covered claims  
34 paid by the association and estimates of anticipated claims on the  
35 association which shall preserve the right of the association against  
36 the assets of the insolvent insurer.

1       **Sec. 7140.** RCW 48.32.110 and 1971 ex.s. c 265 s 11 are each  
2 amended to read as follows:

3       To aid in the detection and prevention of insurer insolvencies:

4       (1) It shall be the duty of the board of directors, upon majority  
5 vote, to notify the commissioner of any information indicating any  
6 member insurer may be insolvent or in a financial condition hazardous  
7 to the policyholders or the public.

8       (2) The board of directors may, upon majority vote, request that  
9 the commissioner order an examination of any member insurer which the  
10 board in good faith believes may be in a financial condition hazardous  
11 to the policyholders or the public. Within thirty days of the receipt  
12 of such request, the commissioner shall begin such examination. The  
13 examination may be conducted as a National Association of Insurance  
14 Commissioners examination or may be conducted by such persons as the  
15 commissioner designates. The cost of such examination shall be paid by  
16 the association and the examination report shall be treated as are  
17 other examination reports. In no event shall such examination report  
18 be released to the board of directors prior to its release to the  
19 public, but this shall not preclude the commissioner from complying  
20 with subsection (3) of this section. The commissioner shall notify the  
21 board of directors when the examination is completed. The request for  
22 an examination shall be kept on file by the commissioner but it shall  
23 not be open to public inspection prior to the release of the  
24 examination report to the public.

25       (3) It shall be the duty of the commissioner to report to the board  
26 of directors when he or she has reasonable cause to believe that any  
27 member insurer examined or being examined at the request of the board  
28 of directors may be insolvent or in a financial condition hazardous to  
29 the policyholders or the public.

30       (4) The board of directors may, upon majority vote, make reports  
31 and recommendations to the commissioner upon any matter germane to the  
32 solvency, liquidation, rehabilitation or conservation of any member  
33 insurer. Such reports and recommendations shall not be considered  
34 public documents.

35       (5) The board of directors may, upon majority vote, make  
36 recommendations to the commissioner for the detection and prevention of  
37 insurer insolvencies.

1 (6) The board of directors shall, at the conclusion of any insurer  
2 insolvency in which the association was obligated to pay covered  
3 claims, prepare a report on the history and causes of such insolvency,  
4 based on the information available to the association, and submit such  
5 report to the commissioner.

6 **Sec. 7141.** RCW 48.32.150 and 1971 ex.s. c 265 s 15 are each  
7 amended to read as follows:

8 There shall be no liability on the part of and no cause of action  
9 of any nature shall arise against any member insurer, the association  
10 or its agents or employees, the board of directors, or the commissioner  
11 or his or her representatives for any action taken by them in the  
12 performance of their powers and duties under this chapter.

13 **Sec. 7142.** RCW 48.32.170 and 1971 ex.s. c 265 s 17 are each  
14 amended to read as follows:

15 (1) The commissioner shall by order terminate the operation of the  
16 Washington insurers insolvency pool as to any kind of insurance  
17 afforded by property or casualty insurance policies with respect to  
18 which he or she has found, after hearing, that there is in effect a  
19 statutory or voluntary plan which:

20 (a) Is a permanent plan which is adequately funded or for which  
21 adequate funding is provided; and

22 (b) Extends, or will extend to state policyholders and residents  
23 protection and benefits with respect to insolvent insurers not  
24 substantially less favorable and effective to such policyholders and  
25 residents than the protection and benefits provided with respect to  
26 such kind of insurance under this chapter.

27 (2) The commissioner shall by the same such order authorize  
28 discontinuance of future payments by insurers to the Washington  
29 insurers insolvency pool with respect to the same kinds of insurance:  
30 PROVIDED, That assessments and payments shall continue, as necessary,  
31 to liquidate covered claims of insurers adjudged insolvent prior to  
32 said order and the related expenses not covered by such other plan.

33 (3) In the event the operation of any account of the Washington  
34 insurers insolvency pool shall be so terminated as to all kinds of  
35 insurance otherwise within its scope, the pool as soon as possible  
36 thereafter shall distribute the balance of the moneys and assets

1 remaining in said account (after discharge of the functions of the pool  
2 with respect to prior insurer insolvencies not covered by such other  
3 plan, together with related expenses) to the insurers which are then  
4 writing in this state policies of the kinds of insurance covered by  
5 such account, and which had made payments into such account, pro rata  
6 upon the basis of the aggregate of such payments made by the respective  
7 insurers to such account during the period of five years next preceding  
8 the date of such order. Upon completion of such distribution with  
9 respect to all of the accounts specified in RCW 48.32.060, this chapter  
10 shall be deemed to have expired.

11 **Sec. 7143.** RCW 48.34.100 and 1969 ex.s. c 241 s 15 are each  
12 amended to read as follows:

13 (1) All policies, certificates of insurance, notices of proposed  
14 insurance, applications for insurance, endorsements, and riders  
15 delivered or issued for delivery in this state and the schedules of  
16 premium rates pertaining thereto shall be filed with the commissioner.

17 (2) No such policies, certificates of insurance, notices of  
18 proposed insurance, applications for insurance, endorsements, or riders  
19 shall be used in this state until approved by the commissioner pursuant  
20 to RCW 48.18.100 and RCW 48.18.110. In addition to any grounds for  
21 disapproval provided therein, the form shall be disapproved both as to  
22 credit life and credit accident and health insurance if the benefits  
23 provided therein are not reasonable in relation to the premium charged.

24 (3) If a group policy of credit life insurance or credit accident  
25 and health insurance has been delivered in this state before midnight,  
26 June 7, 1961, on the first anniversary date following such time the  
27 terms of the policy as they apply to persons newly insured thereafter  
28 shall be rewritten to conform with the provisions of this chapter.

29 (4) If a group policy has been or is delivered in another state  
30 before or after August 11, 1969, the forms to be filed by the insurer  
31 with the commissioner are the group certificates and notices of  
32 proposed insurance delivered or issued for delivery in this state. He  
33 or she shall approve them if:

34 (a) They provide the information that would be required if the  
35 group policy was delivered in this state; and

36 (b) The applicable premium rates or charges do not exceed those  
37 established by his rules or regulations.

1           **Sec. 7144.** RCW 48.34.120 and 1961 c 219 s 12 are each amended to  
2 read as follows:

3           When the credit life insurance or credit accident and health  
4 insurance is required in connection with any credit transaction, the  
5 debtor shall, upon request to the creditor, have the option of  
6 furnishing the required amount of insurance through existing policies  
7 of insurance owned or controlled by him or her or of procuring and  
8 furnishing the required coverage through any insurer authorized to  
9 transact an insurance business within this state.

10           **Sec. 7145.** RCW 48.44.040 and 1947 c 268 s 4 are each amended to  
11 read as follows:

12           Every health care service contractor who or which enters into  
13 agreements which require prepayment for health care services shall  
14 register with the insurance commissioner on forms to be prescribed and  
15 provided by him or her. Such registrants shall state their name,  
16 address, type of organization, area of operation, type or types of  
17 health care services provided, and such other information as may  
18 reasonably be required by the insurance commissioner and shall file  
19 with such registration a copy of all contracts being offered and a  
20 schedule of all rates charged. No registrant shall change any rates,  
21 modify any contract, or offer any new contract, until he or she has  
22 filed a copy of the changed rate schedule, modified contract, or new  
23 contract with the insurance commissioner. The insurance commissioner  
24 shall charge a fee of ten dollars for the filing of each original  
25 registration statement and may require each registrant to file a  
26 current reregistration statement annually thereafter.

27           **Sec. 7146.** RCW 48.44.090 and 1961 c 197 s 6 are each amended to  
28 read as follows:

29           The insurance commissioner shall refuse to accept the registration  
30 of any corporation, cooperative group, or association seeking to act as  
31 a health care service contractor if, in his or her discretion, the  
32 insurance commissioner deems that the name of the corporation,  
33 cooperative group, or association would be confused with the name of an  
34 existing registered health care service contractor or authorized  
35 insurance company.

1       **Sec. 7147.** RCW 48.44.145 and 1986 c 296 s 8 are each amended to  
2 read as follows:

3       (1) The commissioner may make an examination of the operations of  
4 any health care service contractor as often as he or she deems  
5 necessary in order to carry out the purposes of this chapter.

6       (2) Every health care service contractor shall submit its books and  
7 records relating to its operation for financial condition and market  
8 conduct examinations and in every way facilitate them. For the purpose  
9 of examinations, the commissioner may issue subpoenas, administer  
10 oaths, and examine the officers and principals of the health care  
11 service contractor.

12       (3) The commissioner may elect to accept and rely on audit reports  
13 made by an independent certified public accountant for the health care  
14 service contractor in the course of that part of the commissioner's  
15 examination covering the same general subject matter as the audit. The  
16 commissioner may incorporate the audit report in his or her report of  
17 the examination.

18       (4) Whenever any health care service contractor applies for initial  
19 admission, the commissioner may make, or cause to be made, an  
20 examination of the applicant's business and affairs. Whenever such an  
21 examination is made, all of the provisions of chapter 48.03 RCW not  
22 inconsistent with this chapter shall be applicable. In lieu of making  
23 an examination himself or herself the commissioner may, in the case of  
24 a foreign health care service contractor, accept an examination report  
25 of the applicant by the regulatory official in its state of domicile.

26       **Sec. 7148.** RCW 48.44.160 and 1988 c 248 s 19 are each amended to  
27 read as follows:

28       The insurance commissioner may, subject to a hearing if one is  
29 demanded pursuant to chapters 48.04 and 34.05 RCW, revoke, suspend, or  
30 refuse to accept or renew registration from any health care service  
31 contractor, or he or she may issue a cease and desist order, or bring  
32 an action in any court of competent jurisdiction to enjoin a health  
33 care service contractor from doing further business in this state, if  
34 such health care service contractor:

35       (1) Fails to comply with any provision of chapter 48.44 RCW or any  
36 proper order or regulation of the commissioner.

1 (2) Is found by the commissioner to be in such financial condition  
2 that its further transaction of business in this state would jeopardize  
3 the payment of claims and refunds to subscribers.

4 (3) Has refused to remove or discharge a director or officer who  
5 has been convicted of any crime involving fraud, dishonesty, or like  
6 moral turpitude, after written request by the commissioner for such  
7 removal, and expiration of a reasonable time therefor as specified in  
8 such request.

9 (4) Usually compels claimants under contracts either to accept less  
10 than the amount due them or to bring suit against it to secure full  
11 payment of the amount due.

12 (5) Is affiliated with and under the same general management, or  
13 interlocking directorate, or ownership as another health care  
14 contractor which operates in this state without having registered  
15 therefor, except as is permitted by this chapter.

16 (6) Refuses to be examined, or if its directors, officers,  
17 employees or representatives refuse to submit to examination or to  
18 produce its accounts, records, and files for examination by the  
19 commissioner when required, or refuse to perform any legal obligation  
20 relative to the examination.

21 (7) Fails to pay any final judgment rendered against it in this  
22 state upon any contract, bond, recognizance, or undertaking issued or  
23 guaranteed by it, within thirty days after the judgment became final or  
24 within thirty days after time for taking an appeal has expired, or  
25 within thirty days after dismissal of an appeal before final  
26 determination, whichever date is the later.

27 (8) Is found by the commissioner, after investigation or upon  
28 receipt of reliable information, to be managed by persons, whether by  
29 its directors, officers, or by any other means, who are incompetent or  
30 untrustworthy or so lacking in health care contracting or related  
31 managerial experience as to make the operation hazardous to the  
32 subscribing public; or that there is good reason to believe it is  
33 affiliated directly or indirectly through ownership, control, or other  
34 business relations, with any person or persons whose business  
35 operations are or have been marked, to the detriment of policyholders  
36 or stockholders, or investors or creditors or subscribers or of the  
37 public, by bad faith or by manipulation of assets, or of accounts, or  
38 of reinsurance.

1       **Sec. 7149.** RCW 48.44.170 and 1961 c 197 s 14 are each amended to  
2 read as follows:

3       For the purposes of this chapter, the insurance commissioner shall  
4 be subject to and may avail himself or herself of the provisions of  
5 chapter 48.04 RCW, which relate to hearings and appeals.

6       **Sec. 7150.** RCW 48.46.040 and 1990 c 119 s 3 are each amended to  
7 read as follows:

8       The commissioner shall issue a certificate of registration to the  
9 applicant within sixty days of such filing unless he or she notifies  
10 the applicant within such time that such application is not complete  
11 and the reasons therefor; or that he or she is not satisfied that:

12       (1) The basic organizational document of the applicant permits the  
13 applicant to conduct business as a health maintenance organization;

14       (2) The organization has demonstrated the intent and ability to  
15 assure that comprehensive health care services will be provided in a  
16 manner to assure both their availability and accessibility;

17       (3) The organization is financially responsible and may be  
18 reasonably expected to meet its obligations to its enrolled  
19 participants. In making this determination, the commissioner shall  
20 consider among other relevant factors:

21       (a) Any agreements with an insurer, a medical or hospital service  
22 bureau, a government agency or any other organization paying or  
23 insuring payment for health care services;

24       (b) Any agreements with providers for the provision of health care  
25 services;

26       (c) Any arrangements for liability and malpractice insurance  
27 coverage; and

28       (d) Adequate procedures to be implemented to meet the protection  
29 against insolvency requirements in RCW 48.46.245.

30       (4) The procedures for offering health care services and offering  
31 or terminating contracts with enrolled participants are reasonable and  
32 equitable in comparison with prevailing health insurance subscription  
33 practices and health maintenance organization enrollment procedures;  
34 and, that

35       (5) Procedures have been established to:

36       (a) Monitor the quality of care provided by such organization,  
37 including, as a minimum, procedures for internal peer review;

1 (b) Resolve complaints and grievances initiated by enrolled  
2 participants in accordance with RCW 48.46.010 and 48.46.100;

3 (c) Offer enrolled participants an opportunity to participate in  
4 matters of policy and operation in accordance with RCW 48.46.020(7) and  
5 48.46.070.

6 No person to whom a certificate of registration has not been  
7 issued, except a health maintenance organization certified by the  
8 secretary of the department of health and human services, pursuant to  
9 Public Law 93-222 or its successor, shall use the words "health  
10 maintenance organization" or the initials "HMO" in its name, contracts,  
11 or literature. Persons who are contracting with, operating in  
12 association with, recruiting enrolled participants for, or otherwise  
13 authorized by a health maintenance organization possessing a  
14 certificate of registration to act on its behalf may use the terms  
15 "health maintenance organization" or "HMO" for the limited purpose of  
16 denoting or explaining their relationship to such health maintenance  
17 organization.

18 The department of health, at the request of the insurance  
19 commissioner, shall inspect and review the facilities of every  
20 applicant health maintenance organization to determine that such  
21 facilities are reasonably adequate to provide the health care services  
22 offered in their contracts. If the commissioner has information to  
23 indicate that such facilities fail to continue to be adequate to  
24 provide the health care services offered, the department of health,  
25 upon request of the insurance commissioner, shall reinspect and review  
26 the facilities and report to the insurance commissioner as to their  
27 adequacy or inadequacy.

28 **Sec. 7151.** RCW 48.46.110 and 1983 c 202 s 11 are each amended to  
29 read as follows:

30 (1) No health maintenance organization may refer to itself in its  
31 name or advertising with any of the words: "insurance", "casualty",  
32 "surety", "mutual", or any other words descriptive of the insurance,  
33 casualty, or surety business, or deceptively similar to the name or  
34 description of any insurance or surety corporation or health care  
35 service contractor or other health maintenance organization doing  
36 business in this state.

1 (2) No health maintenance organization, nor any health care  
2 facility or provider with which such organization has contracted to  
3 provide health care services, shall discriminate against any person  
4 from whom or on whose behalf, payment to meet the required charge is  
5 available, with regard to enrollment, disenrollment, or the provision  
6 of health care services, on the basis of such person's race, color,  
7 sex, religion, place of residence if there is reasonable access to the  
8 facility of the health maintenance organization, socioeconomic status,  
9 or status as a recipient of medicare under Title XVIII of the Social  
10 Security Act, 42 U.S.C. section 1396, et seq.

11 (3) Where a health maintenance organization determines that an  
12 enrolled participant has received health care services to which such  
13 enrolled participant is not entitled under the terms of his or her  
14 health maintenance agreement, neither such organization, nor any health  
15 care facility or provider with which such organization has contracted  
16 to provide health care services, shall have recourse against such  
17 enrolled participant for any amount above the actual cost of providing  
18 such service, if any, specified in such agreement, unless the enrolled  
19 participant or a member of his or her family has given or withheld  
20 information to the health maintenance organization, the effect of which  
21 is to mislead or misinform the health maintenance organization as to  
22 the enrolled participant's right to receive such services.

23 **Sec. 7152.** RCW 48.46.120 and 2007 c 468 s 2 are each amended to  
24 read as follows:

25 (1) The commissioner may make an examination of the operations of  
26 any health maintenance organization as often as he or she deems  
27 necessary in order to carry out the purposes of this chapter.

28 (2) Every health maintenance organization shall submit its books  
29 and records relating its operation for financial condition and market  
30 conduct examinations and in every way facilitate them. The quality or  
31 appropriateness of medical services or systems shall not be examined  
32 except to the extent that such items are incidental to an examination  
33 of the financial condition or the market conduct of a health  
34 maintenance organization. For the purpose of examinations, the  
35 commissioner may issue subpoenas, administer oaths, and examine the  
36 officers and principals of the health maintenance organization and the  
37 principals of such providers concerning their business.

1 (3) The commissioner may elect to accept and rely on audit reports  
2 made by an independent certified public accountant for the health  
3 maintenance organization in the course of that part of the  
4 commissioner's examination covering the same general subject matter as  
5 the audit. The commissioner may incorporate the audit report in his or  
6 her report of the examination.

7 **Sec. 7153.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each  
8 amended to read as follows:

9 The commissioner may, in accordance with the provisions of the  
10 administrative procedure act, chapter 34.05 RCW, promulgate rules and  
11 regulations as necessary or proper to carry out the provisions of this  
12 chapter. Nothing in this chapter shall be construed to prohibit the  
13 commissioner from requiring changes in procedures previously approved  
14 by him or her.

15 **Sec. 7154.** RCW 48.46.240 and 1990 c 119 s 6 are each amended to  
16 read as follows:

17 (1) Each health maintenance organization obtaining a certificate of  
18 registration from the commissioner shall provide and maintain a funded  
19 reserve of one hundred fifty thousand dollars. The funded reserve  
20 shall be deposited with the commissioner or with any  
21 organization/trustee acceptable to him or her in the form of cash,  
22 securities eligible for investment by the health maintenance  
23 organization pursuant to chapter 48.13 RCW, approved surety bond or any  
24 combination of these, and must equal or exceed one hundred fifty  
25 thousand dollars. The funded reserve shall be established as an  
26 assurance that the uncovered expenditure obligations of the health  
27 maintenance organization to the enrolled participants will be  
28 performed.

29 (2) All income from reserves on deposit with the commissioner shall  
30 belong to the depositing health maintenance organization and shall be  
31 paid to it as it becomes available.

32 (3) Any funded reserve required by this section shall be considered  
33 an asset of the health maintenance organization in determining the  
34 organization's net worth.

35 (4) A health maintenance organization that has made a securities  
36 deposit with the commissioner may, at its option, withdraw the

1 securities deposit or any part of the deposit after first having  
2 deposited or provided in lieu thereof an approved surety bond, a  
3 deposit of cash or securities, or any combination of these or other  
4 deposits of equal amount and value to that withdrawn. Any securities  
5 and surety bond shall be subject to approval by the commissioner before  
6 being substituted.

7 **Sec. 7155.** RCW 48.56.040 and 1969 ex.s. c 190 s 4 are each amended  
8 to read as follows:

9 (1) Upon the filing of an application and the payment of the  
10 license fee the commissioner shall make an investigation of each  
11 applicant and shall issue a license if the applicant is qualified in  
12 accordance with this chapter. If the commissioner does not so find, he  
13 or she shall, within thirty days after he or she has received such  
14 application, at the request of the applicant, give the applicant a full  
15 hearing.

16 (2) The commissioner shall issue or renew a license as may be  
17 applied for when he or she is satisfied that the person to be  
18 licensed--

19 (a) is competent and trustworthy and intends to act in good faith  
20 in the capacity involved by the license applied for,

21 (b) has a good business reputation and has had experience,  
22 training, or education so as to be qualified in the business for which  
23 the license is applied for, and

24 (c) if a corporation, is a corporation incorporated under the laws  
25 of the state or a foreign corporation authorized to transact business  
26 in the state.

27 **Sec. 7156.** RCW 48.56.050 and 1969 ex.s. c 190 s 5 are each amended  
28 to read as follows:

29 (1) The commissioner may revoke or suspend the license of any  
30 premium finance company when and if after investigation it appears to  
31 the commissioner that--

32 (a) any license issued to such company was obtained by fraud,

33 (b) there was any misrepresentation in the application for the  
34 license,

35 (c) the holder of such license has otherwise shown himself or

1 herself untrustworthy or incompetent to act as a premium finance  
2 company, or

3 (d) such company has violated any of the provisions of this  
4 chapter.

5 (2) Before the commissioner shall revoke, suspend, or refuse to  
6 renew the license of any premium finance company, he or she shall give  
7 to such person an opportunity to be fully heard and to introduce  
8 evidence in his or her behalf. In lieu of revoking or suspending the  
9 license for any of the causes enumerated in this section, after hearing  
10 as herein provided, the commissioner may subject such company to a  
11 penalty of not more than two hundred dollars for each offense when in  
12 his or her judgment he or she finds that the public interest would not  
13 be harmed by the continued operation of such company. The amount of  
14 any such penalty shall be paid by such company through the office of  
15 the commissioner to the state treasurer. At any hearing provided by  
16 this section, the commissioner shall have authority to administer oaths  
17 to witnesses. Anyone testifying falsely, after having been  
18 administered such oath, shall be subject to the penalty of perjury.

19 (3) If the commissioner refuses to issue or renew any license or if  
20 any applicant or licensee is aggrieved by any action of the  
21 commissioner, said applicant or licensee shall have the right to a  
22 hearing and court proceeding as provided by statute.

23 **Sec. 7157.** RCW 48.56.060 and 1969 ex.s. c 190 s 6 are each amended  
24 to read as follows:

25 (1) Every licensee shall maintain records of its premium finance  
26 transactions and the said records shall be open to examination and  
27 investigation by the commissioner. The commissioner may at any time  
28 require any licensee to bring such records as he or she may direct to  
29 the commissioner's office for examination.

30 (2) Every licensee shall preserve its records of such premium  
31 finance transactions, including cards used in a card system, for at  
32 least three years after making the final entry in respect to any  
33 premium finance agreement. The preservation of records in photographic  
34 form shall constitute compliance with this requirement.

35 **Sec. 7158.** RCW 48.56.110 and 1969 ex.s. c 190 s 11 are each  
36 amended to read as follows:

1 (1) When a premium finance agreement contains a power of attorney  
2 enabling the premium finance company to cancel any insurance contract  
3 or contracts listed in the agreement, the insurance contract or  
4 contracts shall not be canceled by the premium finance company unless  
5 such cancellation is effectuated in accordance with this section.

6 (2) Not less than ten days' written notice shall be mailed to the  
7 insured of the intent of the premium finance company to cancel the  
8 insurance contract unless the default is cured within such ten day  
9 period.

10 (3) After expiration of such ten day period, the premium finance  
11 company may thereafter request in the name of the insured, cancellation  
12 of such insurance contract or contracts by mailing to the insurer a  
13 notice of cancellation, and the insurance contract shall be canceled as  
14 if such notice of cancellation had been submitted by the insured  
15 himself or herself, but without requiring the return of the insurance  
16 contract or contracts. The premium finance company shall also mail a  
17 notice of cancellation to the insured at his last known address.

18 (4) All statutory, regulatory, and contractual restrictions  
19 providing that the insurance contract may not be canceled unless notice  
20 is given to a governmental agency, mortgagee, or other third party  
21 shall apply where cancellation is effected under the provisions of this  
22 section. The insurer shall give the prescribed notice in behalf of  
23 itself or the insured to any governmental agency, mortgagee, or other  
24 third party on or before the second business day after the day it  
25 receives the notice of cancellation from the premium finance company  
26 and shall determine the effective date of cancellation taking into  
27 consideration the number of days notice required to complete the  
28 cancellation.

29 **Sec. 7159.** RCW 48.99.020 and 1947 c 79 s .31.12 are each amended  
30 to read as follows:

31 (1) Whenever under the laws of this state a receiver is to be  
32 appointed in delinquency proceedings for an insurer domiciled in this  
33 state, the court shall appoint the commissioner as such receiver. The  
34 court shall direct the commissioner forthwith to take possession of the  
35 assets of the insurer and to administer the same under the orders of  
36 the court.

1 (2) As domiciliary receiver the commissioner shall be vested by  
2 operation of law with the title to all of the property, contracts, and  
3 rights of action, and all of the books and records of the insurer  
4 wherever located, as of the date of entry of the order directing him or  
5 her to rehabilitate or liquidate a domestic insurer, or to liquidate  
6 the United States branch of an alien insurer domiciled in this state,  
7 and he or she shall have the right to recover the same and reduce the  
8 same to possession; except that ancillary receivers in reciprocal  
9 states shall have, as to assets located in their respective states, the  
10 rights and powers which are hereinafter prescribed for ancillary  
11 receivers appointed in this state as to assets located in this state.

12 (3) The filing or recording of the order directing possession to be  
13 taken, or a certified copy thereof, in the office where instruments  
14 affecting title to property are required to be filed or recorded shall  
15 impart the same notice as would be imparted by a deed, bill of sale, or  
16 other evidence of title duly filed or recorded.

17 (4) The commissioner as domiciliary receiver shall be responsible  
18 on his or her official bond for the proper administration of all assets  
19 coming into his or her possession or control. The court may at any  
20 time require an additional bond from (~~him~~) the commissioner or his or  
21 her deputies if deemed desirable for the protection of the assets.

22 (5) Upon taking possession of the assets of an insurer the  
23 domiciliary receiver shall, subject to the direction of the court,  
24 immediately proceed to conduct the business of the insurer or to take  
25 such steps as are authorized by the laws of this state for the purpose  
26 of liquidating, rehabilitating, reorganizing, or conserving the affairs  
27 of the insurer.

28 (6) In connection with delinquency proceedings the commissioner may  
29 appoint one or more special deputy commissioners to act for him or her,  
30 and may employ such counsel, clerks, and assistants as he or she deems  
31 necessary. The compensation of the special deputies, counsel, clerks,  
32 or assistants and all expenses of taking possession of the insurer and  
33 of conducting the proceedings shall be fixed by the receiver, subject  
34 to the approval of the court, and shall be paid out of the funds or  
35 assets of the insurer. Within the limits of the duties imposed upon  
36 them special deputies shall possess all the powers given to, and, in  
37 the exercise of those powers, shall be subject to all of the duties  
38 imposed upon the receiver with respect to such proceedings.

1           **Sec. 7160.** RCW 48.99.050 and 1947 c 79 s .31.15 are each amended  
2 to read as follows:

3           (1) In a delinquency proceeding in a reciprocal state against an  
4 insurer domiciled in that state, claimants against such insurer, who  
5 reside within this state may file claims either with the ancillary  
6 receiver, if any, appointed in this state, or with the domiciliary  
7 receiver. All such claims must be filed on or before the last date  
8 fixed for the filing of claims in the domiciliary delinquency  
9 proceeding.

10           (2) Controverted claims belonging to claimants residing in this  
11 state may either (a) be proved in the domiciliary state as provided by  
12 the law of that state, or (b), if ancillary proceedings have been  
13 commenced in this state, be proved in those proceedings. In the event  
14 that any such claimant elects to prove his or her claim in this state,  
15 he or she shall file his or her claim with the ancillary receiver in  
16 the manner provided by the law of this state for the proving of claims  
17 against insurers domiciled in this state, and he or she shall give  
18 notice in writing to the receiver in the domiciliary state, either by  
19 registered mail or by personal service at least forty days prior to the  
20 date set for hearing. The notice shall contain a concise statement of  
21 the amount of the claim, the facts on which the claim is based, and the  
22 priorities asserted, if any. If the domiciliary receiver, within  
23 thirty days after the giving of such notice, shall give notice in  
24 writing to the ancillary receiver and to the claimant, either by  
25 registered mail or by personal service, of his or her intention to  
26 contest such claim, he or she shall be entitled to appear or to be  
27 represented in any proceeding in this state involving the adjudication  
28 of the claim. The final allowance of the claim by the courts of this  
29 state shall be accepted as conclusive as to its amount, and shall also  
30 be accepted as conclusive as to its priority, if any, against special  
31 deposits or other security located within this state.

32           **Sec. 7161.** RCW 48.99.060 and 1993 c 462 s 79 are each amended to  
33 read as follows:

34           (1) In a delinquency proceeding against an insurer domiciled in  
35 this state, claims owing to residents of ancillary states shall be  
36 preferred claims if like claims are preferred under the laws of this

1 state. All such claims whether owing to residents or nonresidents  
2 shall be given equal priority of payment from general assets regardless  
3 of where such assets are located.

4 (2) In a delinquency proceeding against an insurer domiciled in a  
5 reciprocal state, claims owing to residents of this state shall be  
6 preferred if like claims are preferred by the laws of that state.

7 (3) The owners of special deposit claims against an insurer for  
8 which a receiver is appointed in this or any other state shall be given  
9 priority against their several special deposits in accordance with the  
10 provisions of the statutes governing the creation and maintenance of  
11 such deposits. If there is a deficiency in any such deposit so that  
12 the claims secured thereby are not fully discharged therefrom, the  
13 claimants may share in the general assets, but such sharing shall be  
14 deferred until general creditors, and also claimants against other  
15 special deposits who have received smaller percentages from their  
16 respective special deposits, have been paid percentages of their claims  
17 equal to the percentage paid from the special deposit.

18 (4) The owner of a secured claim against an insurer for which a  
19 receiver has been appointed in this or any other state may surrender  
20 his or her security and file his or her claim as a general creditor, or  
21 the claim may be discharged by resort to the security, in which case  
22 the deficiency, if any, shall be treated as a claim against the general  
23 assets of the insurer on the same basis as claims of unsecured  
24 creditors. If the amount of the deficiency has been adjudicated in  
25 ancillary proceedings as provided in this chapter, or if it has been  
26 adjudicated by a court of competent jurisdiction in proceedings in  
27 which the domiciliary receiver has had notice and opportunity to be  
28 heard, such amount shall be conclusive; otherwise the amount shall be  
29 determined in the delinquency proceeding in the domiciliary state.

30 **PART VIII**

31 NEW SECTION. **Sec. 8001.** The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 35.18.005 (Definition--"Councilman.") and 1981 c 213 s 1;  
34 and

35 (2) RCW 35A.01.080 ("Councilman" defined) and 1981 c 213 s 2.

1        NEW SECTION.    **Sec. 8002.**    Part headings used in this act are not  
2 any part of the law.

Passed by the Senate April 18, 2009.

Passed by the House April 13, 2009.

Approved by the Governor May 19, 2009, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 20, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004, 7057, Senate Bill 5038 entitled:

"AN ACT Relating to making technical corrections to gender-based terms."

I am vetoing the following sections due to conflicting amendments in other bills: 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004 and 7057.

With the exception of Sections 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004, 7057, Senate Bill 5038 is approved."